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REPORT OF THE SUBJECT COMMITTEE

ON

THE GANDHIJI UNIVERSITY BILL, 1984

AND

THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

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GANDHIJI UNIVERSITY BILL, 1984

(Report of the Subject Committee)

Subject Comimttee VI—Social Services to which the Gandhiji University Bill, 1984 was referred has considered the Bill clause by clause and now submits this, its Report with the Bill as reported by the Committee annexed thereto.

2. The Gandhiji Univesrsity Bill, 1984 was published as a Gazette Extraordinary dated March 9, 1984. The Bill was introduced in the Assembly on October 22, 1984 and was referred to the Committee on October 25, 1984.

3. The Committee held eight sittings. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs:

4. *Preamble.*—The Gandhiji University is a teaching and affiliating University. Hence the Committee is of the view that this shall be made clear in the preamble. Necessary modification has been made to the preamble for the purpose.

5. *Clause* 2, *New Sub clause* (13).—The Committee is of the view that it is necessary to define the term "junior college". Accordingly new sub-clause (13) has been incorporated after sub-clause (12).

New Sub-clause (19).—The Committee thinks that it is necessary to incorporate a definition for the term "professional college". Accordingly after sub-clause (18) as renumbered, sub-clause (19) has been incorporated.

6. *Clause* 5, *Sub-clause* (*vii*).—The Committee considers that the University shall have powers to maintain, supervise and control the residence and discipline of students of the University, colleges and recognised institutions. Necessary modification has been made to this sub-clause accordingly.

Sub-clause (xxi).—This sub-clause provided that the University shall have power to define the powers and duties of the officers of the University other than the Vice-Chancellor. The Committee is of the view that the University shall have powers to define the powers and duties of the officers of the University other than those provided for in this Act. Sub-clause (xxi) has been modified for the purpose.

Sub-clause (*xxvii*).—This sub-clause gave powers to the University to borrow any sum from the Central Government, any other Government, the University Grants Commission or any other incorporated body. The Committee thinks that it is necessary to omit the words "University Grants Commission" from this sub-clause. This sub-clause has been modified accordingly.

Sub-clause (*xxviii*): This sub-clause provided that the University shall have power to do such other acts as may be required to further the aims and purposes of this Act. The Committee is of the view that this provision shall be changed to read that the University shall have power, generally to do such other acts for carrying out the purposes of the Act. This sub-clause has been modified accordingly.

7. *Clause* 7, *sub-clause* (3): Accordingly to the provisions in the Bill all the authorities of the University shall be subordinate to the Chancellor and shall be subject to his control. The Committee is of opinion that it is not necessary to subject the authorities of the University to the control of the Chancellor. Hence the words "and shall be subject to his control" have been omitted from this sub-clause.

8. *Clause* 10, *sub-clause* (2): The Committee thinks that no person holding any office under the University shall be nominated as a member of the Committee to recommend the appointment of the Vice-Chancellor. A proviso has been incorporated to sub-clause (2) for the purpose.

Sub-clause (7): This sub-clause provided that in case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6) each member of the Committee may submit one name to the Chancellor within the period specified in sub-section (4) and the Vice-Chancellor shall be appointed by the Chancellor from among the persons whose names have been so submitted. The Committee is of the view that in case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6) the Vice-Chancellor shall be appointed by the Chancellor from among a panel of those names submitted to him by a majority of the members of the Committee within the period specified in sub-section (4). This sub-clause has been modified accordingly.

Sub-clause (12): The Committee considers that all the officers of the University shall be under the administrative control of the Vice-Chancellor. This sub-clause has been modified for the purpose.

Sub-clause (24: This sub-clause provided that in the event of a temporary vacancy occurring in the office of the Vice-Chancellor or where the Vice-Chancellor is temporarily absent the Chancellor shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor. The Committee is of opinion that if a temporary vacancy occurs in the office of the Vice-Chancellor or the Vice-Chancellor is temporarily absent the Pro-Vice-Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor. This sub-clause has been modified for the purpose.

9. *Clause* 11, *sub-clause* (6): This sub-clause specified that subject to the provisions of the Act and the Statutes, Ordinances and Regulations, the powers and functions of the Pro-Vice-Chancellor shall be determined by the Chancellor in consultation with the Vice-Chancellor. The Committee is of the view that the Chancellor may in consultation with the Vice-Chancellor determine the powers and functions of the Pro-Vice-Chancellor subject to the provisions of the Act and the Statutes, Ordinances and Regulations. This sub-clause has been modified accordingly.

10. *Clause* 12, *sub-clause* (1).—This sub-clause provided that the Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Registrar of the University for such period and on such terms as may be prescribed by the Statutes. The Committee thinks that the panel shall contain the names of only two persons. This sub-clause has been modified accordingly.

11. *Clause* 13, *sub-clause* (1): This sub-clause provided that the Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes. The Committee is of the view that the panel shall contain the names of only two persons. This sub-clause has been modified accordingly.

12. *Clause* 14, *sub-clause* (1).—This sub-clause provided that the Syndicate shall appoint a person selected by the Government from among a panel containing the names of three persons furnished by the Syndicate to the Government, as Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes. The Committee is of the view that the panel shall contain the names of only two persons. This sub-clause has been modified accordingly.

13. *Clause* 16, *New item (viii)*.—The Committee is of opinion that there shall be a Planning Board also among the authorities of the University. Accordingly new item (viii) has been incorporated in the clause for the purpose.

14. *Clause* 17, *Item* (8) *below theh ead Ex-Officio members*.—Under this item, among others, the Senate shall consist of the Secretary to Government or the Additional Secretary to Government, General Education Department to be nominated by the Government. The Committee is of the view that instead of Additional Secretary to Government an officer not below the rank of Joint Secretary to Government shall be sufficient. This item has been modified accordingly.

Item (9) *below the head Ex-Officio Members*.—This item below the head Ex-Officio Members stipulated that, among others, the Senate shall consist of the Secretary to Government or Additional Secretary to Government,

Higher Education Department to be nominated by the Government. The Committee is of the view that in this case also an officer not below the rank of Joint Secretary to Government shall be sufficient. This item has been modified accordingly.

Omission of item (13) *below the head Ex-officio Members.*—This item provided that the Chairman, Kottayam Municipality shall also be a member of the Senate. The Committee thinks that it is not necessary to have the Chairman of the Municipality in the Senate. This item has been omitted accordingly.

Item (6) *below the head Elected Members.*—This item provided that, among others, the Senate shall consist of twelve members elected by the teachers of private colleges from among themselves. The Committee is of the view that there should be sixteen members from this category. This item has been modified for the purpose.

Item 12 *below the head Elected Members.*—This item provided that, among others, the Senate shall consist of ten members elected by the members of the General Council of the University Union from among full time students of whom one shall be a post-graduate student, one shall be a research scholar, one shall be the student of a professional College and one shall be a lady student. The Committee is of the view that the representation of the lady students shall be increased to five and that representation should be given to Scheduled Caste and Scheduled Tribe. This item has been modified for the purpose.

Item (2) *under the head Other Members.*—This item provided that, among others, the Senate shall consist of not more than nine members nominated by the Chancellor representing (i) recognised research institutions, (ii) recognised cultural associations, (iii) chambers of commerce, (iv) industries, (v) authors, (vi) journalists, (vii) lawyers, (viii) Sports and (ix) linguistic minorities. The Committee is of the view that the member of those who are to be nominated should be increased. The Committee thinks that representations should be given not only to sports but also to games. The Committee is also of the view that artists and Anglo-Indians should also be given representation in this category. Necessary modifications have been made to this item for the purpose.

15. *Clause* 21, *sub-clause* (*a*) *under the head Other Members.*—Under this sub-clause twelve members from among the categories mentioned therein are to be elected by the Senate from among themselves to the Syndicate. Under sub-clause (c) one member belonging to a Scheduled Caste shall be elected by the Senate from among themselves to the Syndicate. The Committee considers that a member of a Scheduled Tribe shall also get a chance to be elected to the Syndicate. Since it is more appropriate to provide this in sub-clause (a), this sub-clause has been modified accordingly.

Omission of sub-clause (*c*).—As the provision contained in this sub-clause has been incorporated in sub-clause (a) with suitable modifications, this sub-clause has been omitted.

16. *Clause* 23, *item* (*ix*).—The first proviso to this item provided that no administrative or ministerial post the minimum of the scale of pay thereof exceeds four hundred rupees per mensem shall be created by the Syndicate without the prior approval of the Government. The second proviso provided that no post shall be created by the Syndicate without the prior approval of the Government if creation of such post involves expenditure in excess of the budgetery provision. The Committee is of the view that the second proviso shall go as the first proviso. As regards the other proviso the Committee thinks that for the creation of administrative or ministerial posts of and above the rank of Section Officers alone the prior approval of the Government is necessary. Suitable changes have been made to these provisos accordingly.

Item (*xiii*).—This item provided that the Syndicate shall have power to exercise supervision and control over the residence and discipline of students. The Committee is of opinion that this item shall be recast so that the Syndicate shall have power to maintain, supervise and control the residence and discipline of students. This item has been recast accordingly.

17. *Clause* 24, *sub-clause* (2).—This sub-clause provided that the Academic Council shall, subject to the provisions of the Act and Statutes have the control and general regulation, and be responsible for the matters enumerated therein. The Committee considers that the Academic Council shall subject to the provisions of the Act and Statutes control and regulate and be responsible for the matters mentioned therein. This sub-clause has been modified accordingly.

Sub-clause (3), *item* (*j*).—The Committee thinks that the Chairman of the University Union shall also be a member of the Academic Council. Item (j) of this sub-clause has been modified for the purpose.

Sub-clause (3), *item* (*t*).—This item provided that the Academic Council shall, among others, consist of five external experts to be nominated by the Chancellor. The Committee is of the view that the number should be increased to seven and that two members shall be experts in commerce, business management or industrial technology. This item has been modified for the purpose.

Sub-clause (4).—The Committee is of the view that a person who has become a member of the Academic Council in the capacity of a post-graduate student shall cease to hold office on his ceasing to be a post-graduate student. Accordingly a further proviso has been added to this sub-clause.

18. *Clause* 26, *sub-clause* (3) (*c*).—Item (c) of this sub-clause provided that not less than five and not more than ten members shall be nominated to each Faculty by the Syndicate. The Committee thinks that two of these members shall be external experts. This item has been modified for the purpose.

19. *Clause* 27, *sub-clause* (1).—This sub-clause provided that there shall be a Dean for each faculty who shall be nominated by the Chancellor in consultation with the Vice-Chancellor. The Committee is of opinion that the nomination shall be in rotation from among the Heads of University Departments or Professors. This sub-clause has been modified for the purpose.

20. *Clause* 29, *sub-clause* (2), *item* (9) *under Elected Members*.—This item provided that the Students' Council shall consist of ten members not being members of the Senate or Academic Council, elected by the General Council of the University Union from among themselves of whom two shall be women. The Committee is of the view that the number of members in this category shall be increased to fifteen. So also the number of women should be increased to five. The Committee also thinks that members of Scheduled Caste or Tribe should also be given representation. This item has been modified for the purpose.

21. *Clause* 30, *sub-clause* (2).—This sub-clause provided that the Vice-Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by Statutes, periodical reports detailing the recommendations and suggestions made by the Students' Council and the action taken thereon by the authorities to which such recommendations and suggestions were made. The Committee feels that if no action was taken by the authorities on the recommendations and suggestions, the reasons thereof should also be given. This sub-clause has been modified for the purpose.

22. *Clause* 31, *sub-clause* (1) *item* (*d*).—This item provided that, among others, the Finance Committee shall consist of one member elected by the members of the Syndicate from among themselves. The Committee is of the view that the number under this category should be increased to three and that two members shall be Deans of Faculties and one member shall be from among the members of the Syndicate elected from the Senate. This item has been modified for the purpose.

23. *New clause 32 after clause 31*.—In clause 16 the Committee incorporated a new authority as item number (viii) namely the Planning Board. It is necessary to provide for the constitution and functions of the Planning Board. Clause 32 has been newly added for the purpose.

24. *Clause* 37 (*Original Clause* 36) *sub-clause*(2).—The proviso to this sub-clause provided that no special pay or allowance or ex-gratia remunertions of any description whatsoever including ex-gratia payment or other benefits having financial implication shall be granted to any officer, teacher or on the employee of the University without the prior approval of the Government. The Committee is of the view that prior approval shall not be necessary if the expenditure involved is of a non-recurring nature not exceeding ten thousand rupees. A further proviso has been added to this sub-clause for the purpose.

25. *Clause* 40 (*Original clause* 39) *New sub-clause* 2.—The Committee feels that it is necessary to provide that if any Regulation or repeal of a Regulation is not laid before the Senate as required by sub-section (i) the Regulation shall lapse or as the case may be the repealed regulation shall revive after the next succeeding meeting of the Senate. New sub-clause (2) has been added to this clause after sub-clause (1) for the purpose.

26. *Clause* 44 (*Original Clause* 43) *sub-clause* (1).—This sub-clause provided that all vacancies among the members (other than *ex-officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled, as soon as may be, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant. The Committee is of the view that the vacancies shall be filled within a period not exceeding six months. This sub-clause has been modified accordingly.

27. *Clause* 45 (*Original clause* 44) *sub-clause* (1).—This sub-clause provided that any member of any authority or body of the University may resign his office by letter addressed to the Registrar. The Committee is of opinion that the resignation shall take effect on the date of receipt of the letter by the Registrar. This sub-clause has been modified for the purpose.

28. *Clause* 56 (*Original clause* 55) *sub-clause* 9.—This sub-clause provided that the failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college of the continuance in office of a person declared unfit under sub-section (7) shall be deemed to be sufficient cause for taking steps for the withdrawal of the aid, grant or affiliation of the private college. The Committee is of the view that the happening of the contingencies contemplated in this sub-clause are sufficient cause for the withdrawal of the aid, grant or affiliation of the private college by the University or the Government as the case may be. This sub-clause is modified accordingly.

29. *Clause* 62 (*Original clause* 61).—This clause contained twelve sub-clauses. Sub-clause (1) deals with the conditions of service of teachers of private colleges and the other sub-clauses deal with suspension of a teacher of a private college by the Educational Agency. The Committee feels that as sub-clause (1) and the other sub-clauses, namely sub-clauses (2) to (12) deal with different matters these sub-clauses should go under two separate clauses. Therefore sub-clause (1) is retained as clause 62 (original caluse 61) and sub-clause (2) is deleted.

30. *Insertion of new clause* 63.—Since the Committee is of the view that the disciplinary powers of the Educational Agency over the teachers of private colleges shall be given under a separate clause the Committee proposes to add two new sub-clauses after omitting sub-clause (2) of clause 62 (Original clause 61) and retian the other sub-clauses of clause 62 (Original clause 61) in order

to introduce new clause 63. It is necessary to specify the conditions under which the Educational Agency may suspend a teacher of a Private College. Sub-clauses (1) and (2) has been newly added by the Committee to this clause accordingly.

Sub-clause (4) of this clause [sub-clause (4) of original clause 61] provided that any disciplinary proceedings initiated under sub-section (2) shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor after hearing the parties concerned. The Committee is of the view that any disciplinary proceedings against a teacher of a private college by the educational agency shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor. This sub-clause has been recast accordingly.

31. *Clause* 73 (*Original Clause* 71):—This clause contained an *Explanation* which stated that derecognition of a teacher by the University shall be deemed to be a major penalty for the purposes of sub-section (2). The Committee thinks that it is not necessary to have this *Explanation*. Accordingly this *Explanation* has been omitted.

32. *Clause* 74 (*Original clause 72*), *Insertion of new sub-clause* (8).—The Committee is of the view that it is necessary to clarify that the powers of the Government to cause inspection under this section shall be in addition to and not in derogation of the power of the Government for inspection by or under any other provision of this Act, Statutes or Ordinances. Sub-section (8) has been added to this clause for the purpose.

33. *Original Clause* 75.—This clause related to supersession of Senate and Syndicate. The Committee is of opinion that it is not a healthy practice to supersede the Senate and Syndicate. This clause has been omitted accordingly.

34. *Original Clause* 76.—This clause dealt with reconstitution of Senate or Syndicate after supersession. Since original clause 75 which dealt with supersession of the Senate and Syndicate is omitted this clause is also omitted being consequential.

35 .*Clause* 79 *sub-clauses* (1).—The Committee is of the view that the Chancellor shall in consultation with the Syndicate constitute, from time to time, separate selection committees for the purpose of selection of candidates for direct recruitment. This sub-clause has been modified accordingly.

Sub-clause 2 (*a*) *item* (*ii*)9:—The Committee is of the view that the member of the Syndicate nominated to the Selection Committee by the Vice-Chancellor need not be an officer of the Government. Hence the words "who is an officer of the Government to be" are deleted from this item.

Sub-clause 2 (*b*) *item* (*ii*).—The Committee is of the view that the member of the Syndicate nominated to the Selection Committee by the Vice-Chancellor need not be an officer of the Government. Hence the words "who is an officer of the Government to be" are omitted from this item.

Sub-clause (10):—This sub-clause provided that the rank list published under sub-section (9) shall remain in force for a period of one year from the date of such publication and that all vacancies arising during the period shall be filled up from the list so published. The Committee is of the view that the rank list shall remain in force for a period of two years. Necessary modification has been made to this sub-clause accordingly.

Insertion of new sub-clause (16) *after Sub-clause* (15).—The Committee is of the view that it is necessary to have a provision to the effect that if at any time it is disclosed that a person has secured appointment to any post by making any false statement before the selection Committee or in any application submitted by him or by producing any false document his appointment shall without prejudice to any action that may be taken against him be cancelled by the Vice-Chancellor. The Committee is also of the view that in case an appointment is cancelled the person concerned shall be given an opportunity to show cause why the appointment should not be cancelled. New Sub-clause (16) and the proviso thereunder have been incorporated for the purpose.

36. *Clause* 85.—This clause provided that the Vice-Chancellor shall at the end of every four years from the commencement of the Act submit a report to the Government on the conditions of affiliated colleges. The Committee thinks that this report shall be submitted at the end of every three years. This clause has been modified for the purpose.

37. *Clause* 89. *sub-clause* (1).—This sub-clause provided that any teacher of an affiliated college or a teacher of the University who—

(a) connives with, or assists, any candidate at an examination conducted by the University to do any malpractice at such examination; or

(b) delays the valuation and return of answer books of candidates at any such examination which have been given to him for valuation

shall without prejudice to any other action that may be taken against him be liable for disciplinary action for imposition of a major penalty. The Committee feels that it is better to leave to the disciplinary authority to decide whether major penalty be imposed depending on the circumstances of each case. Hence the words "for imposition of a major penalty" have been deleted from this sub-clause.

Sub-clause (2).—This sub-clause provided that without prejudice to the provisions of sub-section (1) the recognition of a teacher referred to in that sub-section shall also be liable to be withdrawn. The Committee feels that it is not necessary to retain this sub-clause. This sub-clause has been deleted accordingly.

38. *Clause* 100 *insertion of new sub-clause* (2).—The Committee is of the view that every first Statute and every first Ordinance made under this section shall be laid before the Assembly and it shall be subject to annulment by the Assembly. New sub-clause (2) has been inserted for the purpose.

39. All the other changes or modifications suggested by the Committee are either verbal or consequential.

K. KARUNAKARAN,
Chief Minister.

THE GANDHIJI UNIVERSITY BILL, 1984

(As reported by the Subject Committee)

[Words underlined or sidelined indicate the amendments suggested by the Committee. Omissions are indicated by asterisk].

A

BILL

to establish and incorporate a University at Kottayam by the name Gandhiji University.

Preamble.—WHEREAS it is considered necessary to establish a new teaching and affiliating University in the State to provide for the urgent development of higher education in the areas comprised in the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State;

BE it enacted in the Thirty-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Gandhiji University Act, 1985.

(2) It shall be deemed to have come into force on the 2nd day of October, 1983.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) "Academic Council" means the Academic Council of the University;

(2) "affiliated college" means a college affiliated to the University in accordance with the provisions of this Act and the Statutes and in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(3) "annual meeting" means one of the ordinary meetings of the Senate held every year under sub-section (1) of section 20 and declared by the Statutes to be the annual meeting of the Senate;

(4) "Appellate Tribunal" means the Appellate Tribunal constituted under sub-section (1) of section 69;

(5) "Board of Studies" means a Board of Studies of the University;

(6) "Chancellor" means the Chancellor of the University;

(7) "college" means an institution maintained by, or affiliated to the University, in which instruction is provided in accordance with the provisions of the Statutes, Ordinances and Regulations;

(8) "department" means a department designated as such by the Ordinances or Regulations with reference to a subject or group of subjects;

(9) "educational agency" means any person or body of persons who or which establishes and maintains a private college or more than one private college;

(10) "faculty" means a faculty of the University;

(11) "Government college" means a college maintained by the Government and affiliated to the University;

(12) "hostel" means a unit of residence for the students of the University, or the colleges or institutions maintained by, or affiliated to, the University in accordance with the provisions of this Act or the Statutes or Ordinances;

(13) "Junior College" means a College imparting instructions in Pre-Degree courses only;

(14) "non-teaching staff" of the University or a college means the employees of the University or that college, other than teachers;

(15) "prescribed" means prescribed by the Statutes, Ordinances, Regulations, rules or bye-laws made under this Act;

(16) "principal" means the head of a college;

(17) "private college" means a college maintained by an educational agency other than the Government or the University and affiliated to the University;

(18) "Pro-Chancellor" means the Pro-Chancellor of the University;

(19) "Professional College" means a College in which instruction is given in any of the following subjects, namely:-

(i) Engineering and Technology;

(ii) Allopathic Medicine and Para Medical Courses;

(iii) Dental Medicine;

(iv) Ayurvedic Medicine;

(v) Homoeopathic Medicine;

(vi) Law; and

(vii) Education.

(20) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;

(21) "recognised institution" means an institution for research or special studies, other than an affiliated college, recognised as such by the University;

(22) "registered graduates" means graduates registered under the provisions of this Act and the Statutes and includes graduates deemed to be registered graduates;

(23) "Senate" means the Senate of the University;

(24) "State" means the State of Kerala;

(25) "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" means respectively the "Statutes", "Ordinances", "Regulations", "bye-laws" and "rules" of the University;

(26) "student" means a part-time or full-time student receiving instruction or carrying on research in any of the colleges or recognised institutions;

(27) "Students' Council" means, the Students' Council of the University;

(28) "Syndicate" means the Syndicate of the University;

(29) "teacher" means a principal, professor, associate professor, assistant professor, reader, lecturer, instructor, or such other person imparting instruction or supervising research in any of the colleges or recognised institutions and whose appointment has been approved by the University;

(30) "teacher of the University" means a person employed as teacher in any institution maintained by the University;

(31) "University" means the Gandhiji University constituted under this Act;

(32) "University area" means the area to which the jurisdiction of the University extends under sub-section (1) of section 4;

(33) "University Fund" means the Gandhiji University Fund established under sub-section (1) of section 46;

(34) "Vice-Chancellor" means the Vice-Chancellor of the University.

CHAPTER II

THE UNIVERSITY

3. *The University.*—(1) The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, if any, and the members of the Senate, the Syndicate and the Academic Council; for the time being, shall constitute a body corporate by the name of the Gandhiji University.

(2) The headquarters of the University shall be at Kottayam.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. *Territorial limits.*—(1) The jurisdiction of the University shall extend to the Kottayam, Ernakulam and Idukki revenue districts, the Kuttanad taluk of the Alleppey revenue district and the Kozhencherry, Mallappally, Thiruvalla and Ranni taluks of the Pathanamthitta revenue district of the State.

(2) No educational institution situated beyond the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, be affiliated to the University and no educational institution within the territorial limits of the University shall, save with the sanction of the Chancellor and the Government, seek or continue affiliation to any other University established by law.

5. *Powers of the University.*—Subject to the provisions of this Act, the University shall have the following powers, namely:—

(i) to provide for instruction and training in such branches of learning as the University may deem fit and to make provision

for research and for the advancement and dissemination of knowledge;

(ii) to institute degrees, titles, diplomas and other academic distinctions;

(iii) to hold examinations and to confer degrees and other academic distinctions on persons who—

(a) shall have pursued a prescribed course of study in a college under the University, unless exempted therefrom in the manner prescribed, and shall have passed the prescribed examination; or

(b) shall have carried on research under prescribed conditions and which has been duly evaluated;

(iv) to confer honorary degrees or other distinctions on distinguished persons in accordance with the conditions to be prescribed in the Statutes;

(v) to grant diplomas, certificates or other distinctions to persons who shall have pursued a prescribed course of study under prescribed conditions;

(vi) to withdraw or cancel degrees, titles, diplomas, certificates or other distinctions under conditions that may be prescribed by the Statutes, after giving the person affected a reasonable opportunity to present his case;

(vii) to maintain supervise and control the residence and discipline of students of the University, colleges and recognised institutions and to make arrangements for promoting their health and general welfare;

(viii) to recognise hostels which are maintained by bodies other than the University and to withdraw such recognition;

(ix) to exercise such control over the students as will ensure their physical and moral well-being;

(x) to constitute a Board to entertain and if it thinks fit to adjudicate and to redress any grievances of the students of colleges, who may for any reason be aggrieved otherwise than by an act of any court;

(xi) to fix the fees payable to the University and to demand and receive such fees;

(xii) to fix and regulate, with the previous sanction of the Government, the fees payable in colleges and recognised institutions affiliated to the University;

(xiii) with the previous sanction of the Government, to regulate the emoluments and pattern and to prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(xiv) to hold and manage endowments and bursaries and to institute and award fellowships, scholarships, studentships, medals and prizes and to organise exhibitions;

(xv) to institute and provide funds wherever necessary for the maintenance of—

(a) a Students' Advisory Bureau;

(b) an Employment Bureau;

(c) a University Union for Students;

(d) University Athletic Clubs;

(e) the National Cadet Corps;

(f) the National Service Corps;

(g) University Extension Boards;

(h) Students' Cultural and Debating Societies;

(i) a Translation and Publication Bureau; and

(j) co-operative societies and other similar institutions for promoting the welfare of students and employees of the University;

(xvi) to co-operate with other Universities or any authorities or associations in such manner and for such purposes as the University may determine;

(xvii) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science and other branches of learning;

(xviii) to take and hold any property, movable or immovable, which may become vested in it for the purpose of the University by purchase, grant, testamentary disposition or otherwise and to grant, demise, alienate or otherwise dispose of all or any of the properties belonging to the University and also to do all other acts incidental or appertaining to a body corporate;

(xix) to direct, manage and control all immovable and movable properties transferred to the University by the Government;

(xx) to co-ordinate, supervise, regulate and control the conduct of teaching and research work in the affiliated colleges and the institutions recognised by the University;

(xxi) to define the powers and duties of the officers of the University other than those provided in this Act;

(xxii) to provide for the inspection of affiliated colleges and to issue such directions as the University may deem fit;

(xxiii) to establish, maintain and manage colleges, institutes of research and other institutions of higher studies;

(xxiv) to affiliate to itself colleges in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations and to withdraw affiliation of colleges;

(xxv) to institute professorships, readerships, lecturerships and any other teaching and research posts required by the University and to appoint persons to such professorships, readerships, lecturerships and other teaching and research posts;

(xxvi) to establish, maintain and manage hostels;

(xxvii) with the previous sanction of the Government as regards the purpose and amount of loan and subject to such conditions as may be specified by the Government as to security and rate of interest, to borrow any sum of money from the Central Government, any other Government, ** ** ** ** or any other incorporated body; and

(xxviii) generally to do such other acts for carrying out the purposes of this Act.

6. *University open to all classes and creeds.*—No person shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, language, political opinion or any of them, be ineligible for, or discriminated against, in respect of any employment or office under the University or membership of any of the authorities or bodies of the University or admission to any degree or course of study in the University:

Provided that the University may, in consultation with the Government, affiliate any college or recognise any institution, exclusively for women either for education, instruction or residence, or reserve for women or members of socially and educationally backward classes or of Scheduled Castes or Scheduled Tribes, places for the purpose of admission as students in any college or institution maintained or controlled by the University.

CHAPTER III

THE CHANCELLOR, PRO-CHANCELLOR AND OFFICERS OF THE UNIVERSITY

7. *The Chancellor.*—(1) The Governor of Kerala shall, by virtue of his office, be the Chancellor of the University.

(2) The Chancellor shall be the head of the University and shall, when present, preside at meetings of the Senate, and at any convocation of the University.

(3) All the authorities of the University shall be subordinate to the Chancellor. ** ** ** ** **

(4) The Chancellor may, by order in writing, annul any proceeding of any of the authorities of the University which is not in conformity with this Ordinance, the Statutes, the Ordinances, the Regulations, the rules or the bye-laws:

Provided that, before making any such order, the Chancellor shall call upon such authority to show cause why such an order should not be made and consider the cause, if any, shown by such authority within a reasonable time.

(5) The Chancellor shall, when an emergency arises, have the right to suspend or dismiss any of the authorities of the University and to take measures for the interim administration of the University.

(6) Every proposal for the conferment of an honorary degree shall be subject to confirmation by the Chancellor.

(7) An appeal shall lie to the Chancellor against any order of dismissal passed by the Syndicate or the Vice-Chancellor against any person in the service of the University.

(8) An appeal under sub-section (7) shall be filed within sixty days from the date of service of the order of dismissal on the person concerned.

(9) The Chancellor shall, before passing any order on an appeal under sub-section (7) refer the matter for advice to a Tribunal appointed by him for the purpose.

(10) The Chancellor shall have power to remove the Vice-Chancellor or the Pro-Vice-Chancellor from office by an order in writing on charges of misappropriation or mismanagement of funds or misbehaviour:

Provided that such charges are proved by an enquiry conducted by a person who is or has been a Judge of the High Court or the Supreme Court appointed by the Chancellor for the purpose:

Provided further that the Vice-Chancellor or the Pro-Vice-Chancellor shall not be removed under this section unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(11) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

8. *The Pro-Chancellor.*—(1) The Minister for the time being administering the subject of education in the State shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

9. *Officers of the University.*—The following shall be the officers of the University, namely:—

(i) the Vice-Chancellor;
(ii) the Pro-Vice-Chancellor;
(iii) the Registrar;
(iv) the Controller of Examinations;
(v) the Finance Officer; and
(vi) such other officers in the service of the University, as may be declared by the Statutes to be officers of the University.

10. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be appointed by the Chancellor on the recommendation as hereinafter provided of a Committee appointed by him for the purpose (hereinafter referred to as the Committee).

(2) The Committee shall consist of three members, one elected by the Senate, one nominated by the Chairman of the University Grants Commission and the third nominated by the Chancellor.

Provided that no person holding any office under the University shall be nominated as a member of the Committee.

(3) The Chancellor shall appoint one of the members of the Committee to be its convener.

(4) The Committee shall make its recommendation within a period of three months of its appointment.

(5) In case the Committee unanimously recommends the name of only one person, the Chancellor shall appoint that person to be the Vice-Chancellor.

(6) In case the Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by the Committee within the period specified in sub-section (4).

(7) In case the Committee fails to make a unanimous recommendation as provided in sub-section (5) or to submit a panel as provided in sub-section (6), the Vice Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by a majority of the members of the Committee within the period specified in Sub-section (4).

(8) Non-submission of a name under sub-section (7) by any member of the Committee shall not invalidate the appointment of the Vice-Chancellor.

(9) No person who is more than sixty years of age shall be appointed as Vice-Chancellor.

(10) The Vice-Chancellor shall hold office for a term of four years from the date on which he enters upon his office and shall be eligible for re-appointment:

Provided that a person shall not be appointed as Vice-Chancellor for more than two terms.

(11) The remuneration payable to, and the other conditions of service of the Vice-Chancellor shall be determined by the Chancellor.

(12) The Vice-Chancellor shall be the principal academic and executive officer of the University and all the Officers of the University shall be under his administrative control.

(13) The Vice-Chancellor shall be the Chairman of the Senate, the Syndicate, the Academic Council, the Students' Council and the Finance Committee and shall be entitled to be present at and to address any meeting of any authority of the University; but shall not be entitled to vote thereat unless he is a member of the authority concerned.

(14) In the event of equality of votes at any meeting of the Senate, the Syndicate or the Academic Council or of any other authority, at which the Vice-Chancellor is the Chairman, he shall have and exercise a casting vote.

(15) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws are faithfully observed and carried out, and he shall have all powers necessary for this purpose.

(16) The Vice-Chancellor shall have the right of visiting and inspecting colleges and other institutions maintained by, or affiliated to, the University.

(17) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in the Syndicate or the Academic Council by or under this Act, the Vice-Chancellor may take such action as he deems fit and shall, at the next session of the Syndicate or the Academic Council, as the case may be, report the action taken by him to that authority for such action as it may consider necessary

(18) Subject to the provisions of the Statutes and the Ordinances, the Vice-Chancellor shall have power to appoint, suspend, dismiss or otherwise punish any member of the establishment of the University below the rank of Deputy Registrar:

Provided that he may delegate any of his powers under this sub-section to the Pro-Vice-Chancellor or the Registrar.

(19) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate, the Academic Council and any other authorities of the University.

(20) Notwithstanding anything contained in this Act or in the Statutes or Ordinances made or deemed to have been made thereunder, the Vice-Chancellor may, if he is satisfied that the number of examiners in the panel of examiners approved by the Syndicate for the conduct of an examination is not sufficient for the conduct of that examination and that approval of another panel of examiners by the Syndicate will entail delay in the conduct of such examination, nominate such additional number of examiners as may be necessary for the conduct of such examination.

(21) Any person nominated by the Vice-Chancellor under sub-section (20) shall be deemed to be an examiner included in the panel approved by the Syndicate.

(22) It shall be the duty of the Vice-Chacellor to see that the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations, the rules and the bye-laws and to report to the

Chancellor every proceeding which is not in conformity with such provisions.

(23) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes.

(24) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor, or where the Vice-Chancellor is temporarily absent, the Pro-Vice-Chancellor shall exercise the powers and perform the duties of the Vice-Chancellor.

(25) In the event of a permanent vacancy occurring in the office of the Vice-Chancellor, the Chancellor shall initiate action for the appointment of the Vice-Chancellor within one month of the occurrence of the vacancy and pending such appointment make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

11. *The Pro-Vice-Chancellor.*—(1) The Chancellor may, if he considers it necessary, appoint a Pro-Vice-Chancellor.

(2) No person who is more than fifty-six years of age shall be appointed as Pro-Vice-Chancellor.

(3) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Pro-Vice-Chancellor shall hold office for a term of four years and shall be eligible for re-appointment.

(5) The salary and other conditions of service of the Pro-Vice-Chancellor shall be determined by the Chancellor.

(6) Subject to the provisions of this Act and the Statutes, Ordinances and Regulations, * * * *
* * * *
the Chancellor may in consultation with the Vice-Chancellor determine the powers and functions of the Pro-Vice-Chancellor.

12. *The Registrar.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as Registrar of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Registrar shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(3) Suits by or against the University shall be instituted by or against the Registrar.

13. *The Controller of Examinations.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as Controller of Examinations of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Controller of Examinations shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

14. *The Finance Officer.*—(1) The Syndicate shall appoint a person selected by the Government from among a panel containing the names of two persons furnished by the Syndicate to the Government, as Finance Officer of the University for such period and on such terms as may be prescribed by the Statutes.

(2) The Finance Officer shall be a whole time salaried officer of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

15. *Appointments to be notified.*—The appointments of the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Controller of Examinations and the Finance Officer shall be notified in the Gazette.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

16. *Authorities of the University.*—The following shall be authorities of the University, namely:—

(i) the Senate;

(ii) the Syndicate;

(iii) the Academic Council;

(iv) the Faculties;

(v) the Board of Studies;

(vi) the Students' Council;

(vii) the Finance Committee;

(viii) the Planning Board; and

(ix) such other boards or bodies of the University as may be declared by the Statutes to be authorities of the University.

17. *Senate.*—The Senate shall consist of the following members, namely:—

Ex-Officio Members

(1) The Chancellor.

(2) The Pro-Chancellor.

(3) The Vice-Chancellor.

(4) The Pro-Vice-Chancellor.

(5) The Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him.

(6) The Director of Public Instruction.

(7) The Director of Collegiate Education.

(8) The Secretary to Government or an officer not below the rank of Joint Secretary to Government, General Education Department to be nominated by the Government.

(9) The Secretary to Government or an officer not below the rank of Joint Secretary to Government, Higher Education Department, to be nominated by the Government.

(10) The Director of Technical Education.

(11) The Director of Medical Education.

(12) The Chairman, State Advisory Board of Education.

*   *   *   *

(13) Seven heads of University departments who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(14) Four Deans of the Faculties of the University who are not otherwise members of the Senate, to be nominated in the order of seniority by the Chancellor by rotation.

(15) The Chairman of the University Union.

Elected Members

(1) Eleven principals elected from among themselves of whom two shall be from among principals of Government Colleges,

one from among principals of professional colleges and one from among principals of junior colleges.

(2) Twenty-five members, not being persons eligible to be elected under item (1), (4), (5), (6), (9), (10), (11) or (12) or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Kerala University Act, 1974 or under item (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected Members" in section 17 of the Calicut University Act, 1975, elected by the registered graduates from among themselves, of whom one shall be a member of a Scheduled Caste, one shall be a member of a Scheduled Tribe, one shall be the holder of a medical degree and one shall be the holder of an engineering degree.

(3) Six members elected by the members of the Legislative Assembly of Kerala from among the members representing the electorate of the University area, of whom one shall be a member of a Scheduled Caste.

(4) Three members elected by the teachers of the University from among themselves.

(5) Three members elected by the teachers of Government colleges from among themselves.

(6) Sixteen members elected by the teachers of private colleges from among themselves.

(7) Three members elected by the Mayors of Municipal Corporations, the Chairmen of municipalities and the presidents of panchayats within the University area from among themselves, of whom one shall be the Mayor of a Municipal Corporation or the Chairman of a municipality.

(8) Two members elected by the registered Trade Unions in the University area designated by Statutes, from among their members.

(9) One member elected by the members of the non-teaching staff of the University from among themselves.

(10) Three members elected by the members of the non-teaching staff of the affiliated colleges from among themselves of whom one shall be a member of the non-teaching staff of a Government College.

(11) Three members elected by the managers of the private colleges in the University area from among themselves.

(12) Fifteen members elected by the members of the General Council of the University Union from among full-time students, of whom one shall be a post-graduate student, one shall be a research scholar, one shall be the student of a professional college, five shall be lady students, one shall be a member of a Scheduled Caste and one shall be a member of a Scheduled Tribe.

Other Members

(1) Two headmasters of High Schools and two teachers of schools, situated within the University area, nominated by the Chancellor.

(2) Not more than eleven members nominated by the Chancellor representing (i) recognised research institutions; (ii) recognised cultural associations; (iii) chambers of commerce; (iv) industries; (v) authors; (vi) journalists; (vii) lawyers; (viii) sports and games; (ix) linguistic minorities; (x) artists; and (xi) Anglo-Indian.

(3) Four students nominated by the Chancellor, one having outstanding academic ability in humanities, one having outstanding ability in science, one having outstanding ability in sports and one having outstanding ability in fine arts.

18. *Reconstitution of the Senate.*—(1) The Senate shall be reconstituted every four years.

(2) The term of office of any member referred to in items (13) and (14) under the heading *"Ex-officio* members" in section 17 shall be two years from the date of his nomination.

(3) Every member of the Senate, other than *ex-officio* members, shall, subject to the provisions of this Act and the Statutes, hold office until the next reconstitution of the Senate:

Provided that no member nominated or elected in his capacity as a member of a particular body or as the holder of a particular office shall hold office for a longer period than three months after he has ceased to be such member or holder of such office, unless in the meanwhile he again becomes a member of that electorate:

Provided further that where an elected or nominated member of the Senate is appointed temporarily to any office, by virtue of which he is entitled to be a member of the Senate *ex-officio*, he shall,

by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the Senate by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment, and such choice shall be final:

Provided also that the term of office of a member referred to in item (12) under the heading "Elected Members" in section 17 or of a member referred to in item (3), under the heading "Other Members" in that section shall be one year from the date of his election or nomination, as the case may be.

Explanation.—For the removal of doubts it is hereby clarified that a member referred to in the preceding proviso shall not cease to be such member solely on the ground that he has ceased to be a student within the period of one year specified in that proviso.

(4) Notwithstanding anything contained in the first proviso to sub-section (3), a principal elected under item (1), or a teacher of a Government college elected under item (5), or a teacher of a private college elected under item (6), or a member of the non-teaching staff of an affiliated college elected under item (10), under the heading "Elected Members" in section 17 shall not cease to be a member of the Senate merely on the ground—

(a) that he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) that the college of which he is the principal or in which he is a teacher or a member of the non-teaching staff has been transferred to another University; or

(c) in the case of a teacher, that he has been promoted as principal.

(5) Notwithstanding anything contained in this Act or in the Statutes, no person elected under item (2) under the heading "Elected Members" in section 17 shall cease to be a member of the Senate merely on the ground that he has ceased to be employed or normally resident within the territorial limits of the University.

(6) On failure of a member to make the choice under the second proviso to sub-section (3), he shall be deemed to have vacated his office as an elected or nominated member.

(7) When a person ceases to be a member of the Senate, he shall cease to be a member of any of the authorities of the University of which he may happen to be a member by virtue of his membership of the Senate.

19. *Powers and functions of the Senate.*—(1) Subject to the provisions of sub-section (3) of section 7, the Senate shall be the supreme authority of the University and shall have the power to review the action of the Syndicate and the Academic Council save where the Syndicate or the Academic Council has acted in accordance with the powers conferred upon it under this Act, the Statutes, the Ordinances or the Regulations, and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes:

Provided that if any question arises as to whether the Syndicate or the Academic Council has acted in accordance with such powers as aforesaid or not, the question shall be decided by the Chancellor and his decision shall be final.

(2) Save as otherwise expressly provided in this Act the Senate shall have the following powers, namely:—

(a) to determine what degrees, diplomas and other academic distinctions shall be granted by the University;

(b) to make, amend or repeal Statutes either of its own motion or on the motion of the Syndicate;

(c) to cancel or amend by a majority of the total membership of the Senate and by a majority of not less than two-thirds of the members present and voting, any Ordinance passed by the Syndicate or any Regulation passed by the Academic Council:

Provided that no Regulation shall be cancelled or amended by the Senate without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

(d) to institute fellowships, scholarships, studentships, bursaries, medals and prizes and organise exhibitions in accordance with the provisions of this Act and the Statutes, Ordinances and Regulations;

(e) to institute professorships, readerships, lecturerships and such other teaching or research posts as it may deem necessary:

Provided that no professorship, readership, lecturership or other teaching or research post shall be instituted by the Senate without the previous approval of the Government if it involves expenditure in excess of the budgetary provision;

(f) to establish and maintain such institutions as it may from time to time deem necessary;

(g) to prescribe with the previous concurrence of the Government the terms and conditions of service of the employees of the University;

(h) with the previous concurrence of the Government, to regulate the emoluments and prescribe the duties and conditions of service of teachers and non-teaching staff in private colleges;

(i) to review and take such action as it may deem fit on the annual report and the annual accounts of the University which shall be placed before it by the Syndicate and to consider and pass the budget according to the provisions of the Statutes;

(j) to cancel any degree, diploma, title or any other distinction granted to any person in accordance with the provisions of the Statutes;

(k) to appoint committees and to delegate to them such functions of the Senate as it may deem fit;

(l) to make Statutes regulating the method of election to the authorities of the University, the procedure at the meetings of the Senate, the Syndicate and other authorities of the University and the quorum of members required for the transaction of business by the authorities of the University other than the Senate;

(m) to recommend to the Government the recognition of any local area within the University area as a University centre;

(n) to co-operate with other Universities and other authorities in such manner and for such purposes as it may determine;

(o) to exercise such other powers and perform such other functions as may be assigned to it by this Act and the Statutes.

20. *Meetings of the Senate.*—(1) The Senate shall meet at least once in four months on dates to be fixed by the Vice-Chancellor and one of such meetings shall be called the annual meeting.

(2) One-fifth of the total number of members of the Senate shall be the quorum for a meeting of the Senate:

Provided that such quorum shall not be required for a Convocation of the University or a meeting of the Senate held for the purpose of conferring degrees, titles, diplomas or other distinctions.

(3) The Vice-Chancellor may, whenever he thinks fit and shall, within thirty days of the receipt of a requisition in writing

signed by not less than one-fourth of the total number of members of the Senate, convene a special meeting of the Senate.

(4) When a special meeting is convened on requisition, no subject other than that shown in the requisition shall be considered at the meeting.

21. *The Syndicate.*—The Syndicate shall be the chief executive body of the University and shall consist of the following members, namely:—

Ex-officio Members

(a) The Vice-Chancellor.

(b) The Pro-Vice-Chancellor.

(c) The Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(d) The Director of Collegiate Education.

(e) The Director of Public Instruction.

Other Members

(a) Thirteen members elected by the Senate from among themselves, of whom: (i) two shall be Principals of first grade colleges; ** (ii) four shall be teachers who are not principals, of whom one shall be a University teacher and one shall be a teacher of a Government college, and (iii) one shall be a member of a Scheduled Caste or a Scheduled Tribe.

(b) One member elected by the Senate from among the members referred to—

(i) in item (16) under the heading "Ex-officio Members";

(ii) in item (12) under the heading "Elected Members"; and

(iii) in item (3) under the heading "Other Members",

in section 17.

*   *   *   *
*   *   *   *

22. *Term of office of members of Syndicate.*—(1) Members of the Syndicate, other than *ex-officio* members, shall hold office for a term of four years from the date of their election:

Provided that no person elected in his capacity as a member of a particular body or as the holder of a particular office shall be a member of the Syndicate for a longer period than three months after he has ceased to be such member or holder of such office unless in the meanwhile he again becomes a member of that electorate or the holder of that office:

Provided further that the member referred to in item (b) under the heading "Other Members" in section 21 shall hold office for a period of one year from the date of his election or till he ceases to be a member of the Senate, whichever is earlier:

Provided also that a member other than an *ex-officio* member shall, notwithstanding the expiration of his term, continue to hold office until his successor is elected:

Provided also that no person other than an *ex-officio* member shall be eligible to hold office for more than two terms in succession.

(2) Notwithstanding anything contained in the first proviso to sub-section (1), a member of the Syndicate referred to in sub-item (i) of item (a) under the heading "Other Members" in section 21 or referred to in sub-item (ii) of that item who is a teacher of a private college or a Government College, shall not cease to be such member merely on the ground that—

(a) he has been transferred to an educational institution within the State, situated beyond the territorial limits of the University; or

(b) the college of which he is the principal or in which he is a teacher has been transferred to another University; or

(c) in the case of a teacher, he has been promoted as principal.

23. *Powers of Syndicate.*—Subject to the provisions of this Act and the Statutes, the executive powers of the University including the general superintendence and control over the institutions of the University shall be vested in the Syndicate and subject likewise the Syndicate shall have the following powers, namely:—

(i) to affiliate institutions in accordance with the terms and conditions of such affiliation prescribed in this Act and the Statutes;

(ii) to make Ordinances and to amend or repeal the same;

(iii) to propose Statutes for the consideration of the Senate;

(iv) to hold, control and administer the properties and funds of the University;

(v) to direct the form, custody and use of the common seal of the University;

(vi) to arrange for and direct the inspection of colleges, hostels and other institutions and to constitute a Board of Inspection for that purpose;

(vii) to establish, maintain and manage colleges and institutes of research and other institutions of higher learning as it may from time to time deem necessary;

(viii) to appoint teachers and other employees of the University and prescribe their duties;

(ix) to create administrative, ministerial and other necessary posts:

Provided ** that no post shall be created by the Syndicate without the prior approval of the Government if creation of such post involves expenditure in excess of the budgetary provision:

Provided further that no administrative or ministerial post of and above the rank of section officer shall be created by the Syndicate without the prior approval of the Government.

(x) to suspend, discharge, dismiss or otherwise take any disciplinary action against teachers and other employees of the University after giving them reasonable opportunity to defend their position;

(xi) with the previous sanction of the Government, to fix and regulate the fee payable by students in colleges affiliated to the University;

(xii) to award fellowships, scholarships, studentships, bursaries, medals and prizes;

(xiii) to maintain, supervise and control ** the residence and discipline of students;

(xiv) to consider the financial estimates of the University and submit them to the Senate in accordance with the provisions of the Statutes made in this behalf;

(xv) to conduct University examinations and approve and publish the results thereof;

(xvi) to appoint members to the Boards of Studies;

(xvii) to approve panel of examiners and to fix their remuneration;

(xviii) to approve the appointment of teachers in private colleges;

(xix) to delegate any of its powers to the Vice-Chancellor or to a committee appointed from among its members;

(xx) to arrange for and direct the investigation into the affairs of private colleges, to issue instructions for maintaining their efficiency, for ensuring proper conditions of employment of members of their staff and payment of adequate salaries to them and in case of disregard of such instructions, to modify the conditions of affiliation or recognition or take such other steps as it deems proper in that behalf;

(xxi) to withhold or cancel the result of any candidate at any University examination;

(xxii) to accept endowments, bequests, donations and transfers of any movable and immovable properties to the University on its behalf, provided that all such endowments, bequests, donations and transfer shall be reported to the Senate at its next meeting;

(xxiii) to exercise the powers of the University under clause (xxvii) of section 5;

(xxiv) to exercise such other powers and perform such other duties as may be prescribed by this Act, the Statutes, the Ordinances, the rules, the bye-laws and the orders.

24. *The Academic Council.*—(1) The Academic Council shall be the academic body of the University.

(2) The Academic Council shall, subject to the provisions of this Act and the Statutes, *** control and *** regulate, and be responsible for the maintenance of standards of instruction, education and examinations within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

(3) The Academic Council shall consist of the following members, namely:—

(a) the Vice-Chancellor;

(b) the Pro-Vice-Chancellor;

(c) the Director of Public Instruction;

(d) the Director of Technical Education;

(e) the Director of Collegiate Education;

(f) the Director of Research and Studies;

(g) the Director of Physical Education;

(h) the Director of Medical Education;

(i) the Deans of Faculties;

(j) the Chairman and the General Secretary of the University Union;

(k) all the Heads of University Departments of Study and Research who are not Deans of Faculties;

(l) all members of the Syndicate who are not otherwise members of the Academic Council;

(m) five members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government professional college, elected by the principles of professional colleges from among themselves;

(n) seven members (other than Deans of Faculties) of whom at least one shall be a Principal of a Government college, selected by the principals of first grade colleges, other than colleges of oriental languages, from among themselves;

(o) two members (other than Deans of Faculties) elected by the Principals of junior colleges from among themselves;

(p) one Principal of a college of oriental languages, not being a Dean of Faculty, nominated by the Chancellor by rotation according to seniority;

(q) one member each of every subject of study (not being a Dean of Faculty or head of a University Department or principal) elected by the teachers of that subject from among themselves;

(r) one headmaster and one teacher of a secondary school in the University area nominated by the Chancellor;

(s) one member representing each faculty, elected by the full-time post-graduate students, of the faculty from ... among themselves;

(t) seven external experts to be nominated by the Chancellor of whom two shall be experts in commerce, business management or industrial technology.

(4) Members of the Academic Council, other than the members specified in clauses (a) to (h) of sub-section (3), shall

hold office for a term of four years from the date of their appointment or nomination, as the case may be:

Provided that a person who has become a member of the Academic Council in the capacity of a student shall cease to hold office on his ceasing to be a student:

Provided further that a person who has become a member of the academic council in the capacity of a post graduate student shall cease to hold office on his ceasing to be a post graduate student.

25. *Powers and duties of Academic Council.*—Subject to the provisions of this Act and the Statutes, the Academic Council shall have the following powers, duties and functions, namely:—

(i) to advise the Senate and the Syndicate on all academic matters;

(ii) to make Regulations and to amend or repeal the same;

(iii) to prescribe the courses of studies in the institutions maintained by, or affiliated to, the University;

(iv) to prescribe the qualifications of teachers;

(a) in colleges; and

(b) in the institutions maintained by the University;

(v) to prescribe the qualifications for admission of students to the various courses of studies and to the examinations and the conditions under which exemptions may be granted;

(vi) to make provision for the admission of students to the various courses of studies on the basis of merit in order to maintain standards of education;

(vii) to make proposals for the instruction and training in such branches of learning as it may think fit;

(viii) to make proposals for research and advancement and dissemination of knowledge;

(ix) to make proposals for the institution of professorships, readerships, lecturerships and other teaching and research posts required by the University;

(x) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes;

(xi) to make proposals for determining what degrees, diplomas and other academic distinctions shall be granted by the University;

(xii) to decide what examinations of other Universities may be accepted as equivalent to those of the University and to negotiate with other Universities for the recognition of the examinations of the University;

(xiii) to arrange for the co-ordination of studies and teaching in affiliated colleges and recognised institutions;

(xiv) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances, Regulations, rules, or bye-laws.

26. *Faculties.*—(1) The University may have such faculties as may be prescribed by the Statutes from time to time.

(2) Each faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and research in such subjects as may be assigned to such faculty by the Ordinances or Regulations.

(3) Each Faculty shall consist of—

(a) the Chairman of the Boards of Studies comprised in the faculty;

(b) two members elected from each Board of Studies; and

(c) not less than five and not more than ten members nominated by the Syndicate of whom two shall be external experts.

(4) Each faculty shall comprise such departments of teaching as may be prescribed by the Ordinances.

(5) Subject to the provisions of this Act each faculty shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(6) The members of faculties mentioned in sub-section (3) shall hold office for a period of three years from the date of their nomination or election, as the case may be.

27. *Deans of faculties.*—(1) There shall be a Dean of each faculty, who shall be nominated by the Chancellor in consultation with the Vice-Chancellor by rotation from among the Heads of University Departments or Professors.

(2) The Dean of each faculty shall be responsible for the due observance of the Statutes, Ordinances, Regulations and Bye-laws relating to that faculty.

(3) The Dean of a faculty shall hold office for a term of two years and shall be eligible for renomination.

28. *Boards of Studies.*—(1) There shall be a Board of Studies attached to each Department of Study in the University:

Provided however that post-graduate studies in each department may have separate Board of Studies.

(2) The constitution and powers of the Boards of Studies shall be prescribed by the Statutes.

(3) Members of the Boards of Studies shall hold office for a period of three years from the date of their entering upon office.

29. *Students' Council.*—(1) There shall be a Student's Council in the University.

(2) The Students' Council shall consist of the following members, namely:—

Ex officio Members

(a) The Vice-Chancellor who shall be the Chairman of the Council.

(b) The Chairman of the University Union.

(c) The General Secretary of the University Union.

(d) The Director, National Cadet Corps.

(e) The Officer-in-charge of the National Service Scheme in the University.

(f) The Director of Physical Education.

(g) The Director of Youth Affairs who shall be the Vice-Chairman of the Council.

Elected Members

(a) Fifteen members, not being members of the Senate or the Academic Council, elected by the members of the General Council of the University Union from among themselves, of whom five shall be women and two shall be members of Scheduled Caste or Scheduled Tribe.

(b) Three members elected from among the full-time students of the departments of the University in such manner as may be prescribed.

(c) Two members, other than students, elected by the members of the Senate from among themselves.

(d) One member elected by the members of the Syndicate from among themselves.

(e) One member elected by the members of the Academic Council from among themselves.

Other Members

Five students who have distinguished themselves in academic field, sports or fine arts, nominated by the Vice-Chancellor after giving due consideration to the representation of special interests.

(3) A member nominated by th eVice-Chancellor in consultation with the Chairman of the University Union, from among the elected student members of the Council shall be the Secretary to the Council.

(4) The members of the Students' Council other than *ex-officio* members shall hold office for a term of one year from the date of their election or nomination, as the case may be.

30. *Powers and duties of Students' Council.*—(1) Subject to the provisions of this Act and the Statute, the Students' Council shall have the following powers, duties and functions, namely:—

(a) to make recommendations to the Syndicate and to the Academic Council in matters affecting the academic work of the students, such as the structure of courses and pattern of instruction, the corporate life of the University in so far as it concerns the students, and the co-curricular and extra-curricular activities in the University;

(b) to make suggestions to the Syndicate and the Academic Council in respect of all rules relating to discipline or welfare of the students, sports, working of literary and other societies, management of hostels, student homes and non-resident student centres, extension work, social work, students' health, National Service Scheme and National Cadet Corps and such other matters as may be specified in the Statutes;

(c) to communicate its views, observations and recommendations to any authority of the University in respect of any matter which concerns the students:

Provided that if any question arises as to whether a matter does or does not concern the students, the question shall be decided by the Chairman of the Students' Council and his decision shall be final;

(d) to take such steps as are necessary for the general welfare of students;

(e) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes, Ordinances or Regulations.

(2) The Vice-Chancellor shall cause to be laid before the Senate and the Students' Council in such manner as may be prescribed by the Statutes, periodical reports detailing the recommendations and suggestions made by the Students' Council, the action taken thereon by the authorities to which such recommendations and suggestions were made, and if no action was taken by the authorities to which such recommendations and suggestions were made, the reason thereof.

31. *Finance Committee.*—(1) There shall be a Finance Committee to give advice to the University on any question affecting its finances.

(2) The Finance Committee shall consist of the following members, namely:—

(a) the Vice-Chancellor, who shall be the Chairman;

(b) the Pro-Vice-Chancellor, if any;

(c) one member elected by the members of the Senate from among themselves;

(d) three members elected by the members of the Syndicate of whom (i) two shall be Deans of Faculties; (ii) One shall be from among the members of the Syndicate elected from the Senate.

(e) one member elected by the members of the Academic Council from among themselves;

(f) the Finance Secretary to Government or an officer not below the rank of Joint Secretary nominated by him;

(g) the Secretary to Government, Higher Education Department or an officer not below the rank of Joint Secretary nominated by him.

(3) The Finance Officer shall be the Secretary of the Finance Committee.

(4) The powers and functions of the Finance Committee and its procedure in financial matters, including the delegation of its powers, shall be prescribed by the Statutes.

32. *Planning Board.*—(1) There shall be a planning board which shall be the principal planning body of the University to advise the Syndicate and the academic council on any matter which the board considers necessary for the fulfilment of the objectives of the University.

(2) The planning board shall consists of the following members, namely:—

(a) the Vice-Chancellor who shall be the Chairman;

(b) three heads of University departments to be nominated by the Vice-Chancellor;

(c) One expert to be nominated by the Chancellor;

(d) two members to be nominated by the University Grants Commission;

(e) the Secretary to Government, Higher Education Department or an Officer not below the rank of Joint Secretary to Government nominated by him;

(f) The member, State Planning Board in charge of education;

(g) The Registrar of the University;

(h) the Finance Officer of the University who shall be the Secretary of the board.

(3) The members of the Planning Board mentioned in clauses (b) and (c) sub-section (2) shall hold office for a period of 4 years from the date of their nomination.

(4) The powers and functions of the Planning Board shall be prescribed by the statutes.

33. *Other authorities of University.*—The constitution, powers and duties of such other authorities as may be declared by the Statutes to be the authorities of the University shall be prescribed by the Statutes.

34. *Disqualifications for membership.*—(1) No person shall be qualified for election or nomination or appointment as a member of any of the authorities of the University or for continuing as such member, if he—

(a) is below twenty-five years of age; or

(b) is of unsound mind or a deaf-mute; or

(c) is an undischarged insolvent; or

(d) has been convicted by a court of law of an offence involving moral delinquency; or

(e) has been debarred by any University from appearing in examinations, for malpractices in connection with any examination:

Provided that clause (a) shall not apply to a person elected or nominated in the capacity of a student to any of the said authorities:

Provided further that the disqualification of a person under clause (e) shall cease on the expiry of the period for which he has been debarred.

(2) If any question arises as to whether any person is disqualified under sub-section (1), the question shall be referred to the Chancellor and his decision thereon shall be final.

CHAPTER V

STATUTES, ORDINANCES, REGULATIONS, RULES AND BYE-LAWS

35. *The Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the powers and duties of the officers of the University, not specifically provided for in this Act;

(b) the constitution, powers and duties of the authorities of the University, not specifically provided for in this Act;

(c) the procedure for election of members of the Senate, the Syndicate, the Academic Council and other authorities of the University and all such other matters relating to these bodies, as may be necessary or desirable to provide;

(d) the award of degrees, diplomas, titles, certificates, and other academic distinctions by the University;

(e) the withdrawal or cancellation of degrees, diplomas titles, certificates and other academic distinctions;

(f) the maintenance of a register of registered graduates;

(g) the holding of convocations to confer degrees;

(h) the conditions and procedure for affiliation of colleges;

(i) the conferment of honorary degrees;

(j) the maintenance of the accounts and the preparation and passing of the annual budget of the Uuniversity;

(k) all other matters which by this Act are to be, or may be, prescribed by Statutes.

36. *Procedure for making Statutes.*—(1) The Senate may of its own motion take into consideration the draft of a Statute:

Provided that, in any such case, before a Statute is passed, the Senate shall obtain and consider the opinion of the Syndicate.

(2) The Syndicate may propose to the Senate the draft of any Statute for consideration and such draft shall be considered by the Senate at its next meeting.

(3) The Senate may approve the draft of a Statute proposed by the Syndicate and pass the Statute or may reject it or return it to the Syndicate for reconsideration, either in whole or in part, together with amendments which the Senate may suggest.

(4) After any draft returned by the Senate under sub-section (3) has been further considered by the Syndicate, together with any amendment suggested by the Senate, it shall be again presented to the Senate with the report of the Syndicate thereon, and the Senate may then deal with the draft in any manner it thinks fit.

(5) Where any Statute has been passed by the Senate, it shall be submitted to the Chancellor who may refer the Statute back to the Senate for further consideration or assent thereto or withhold his assent:

Provided that a Statute or amendment to a Statute passed by the Senate which involves expenditure from the University Fund shall be submitted to the Government who shall forward the same to the Chancellor with their views thereon.

(6) No Statute passed by the Senate shall be valid or come into force until assented to by the Chancellor.

(7) The Syndicate shall not propose the draft of a Statute or of an amendment to a Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal; and any opinion so expressed shall be in writing and shall be considered by the Senate.

(8) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Senate without the previous approval of the Government.

37. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Syndicate shall have power to make Ordinances providing for all or any of the following matters, namely:—

(a) the levy of fees in colleges and other institutions, by the University;

(b) the residence and discipline of students;

(c) the workload and pattern of teaching staff in colleges;

(d) the fixation of the scales of pay of various posts in the University and the terms and conditions of service of officers of the University:

Provided that no special pay or allowance or extra remuneration of any description whatsoever including *ex gratia* payment or other benefits having financial implication shall be granted to any officer, teacher or other employee of the University without the prior approval of the Government; ** ** ** **

Provided further that no such prior approval of the Government shall be necessary if the expenditure involved is of a non-recurring nature not exceeding ten thousand Rupees;

(e) all other matters which by this Act or the Statutes are to be, or may be, provided for by the Ordinances

38. *Procedure for making Ordinances.*—(1) All Ordinances made under this Act shall have effect from such date as the Syndicate may direct, but every Ordinance so made and the repeal of any Ordinance shall be laid before the Senate during the next succeeding meeting.

(2) If any Ordinance or repeal of an Ordinance is not laid before the Senate as required by sub-section (1), the Ordinance shall lapse or, as the case may be, the Ordinance repealed shall revive, after the next succeeding meeting of the Senate.

(3) Subject to the provisions of sub-sections (1) and (2), the procedure to be followed in making, amending or repealing Ordinances shall be prescribed by the Statutes.

(4) Every Ordinance and amendment to an Ordinance including repeal of an Ordinance which involves expenditure shall be

submitted to the Government who shall forward the same to the Chancellor with their views.

(5) No Ordinance or amendment to any Ordinance including repeal of an Ordinance which involves expenditure shall be valid or come into force unless assented to by the Chancellor.

39. *Regulations.*—Subject to the provisions of this Act, Statutes and the Ordinances, the Academic Council may make Regulations providing for all or any of the following matters, namely:—

(a) the courses of studies and the conduct of examinations;

(b) the admission of students to the various courses of study and to the examinations;

(c) the qualifications of teachers;

(d) the appointment and prescription of duties of the Boards of Studies and Examiners;

(e) recognition of examinations, degrees and diplomas of other Universities as equivalent to the examinations, degrees and diplomas of the University; and

(f) all other matters which under the provisions of this Act, the Statutes and the Ordinances are to be, or may be, prescribed by Regulations.

40. *Procedure for making Regulations.*—(1) All Regulations made under this Act, shall have effect from such date as the Academic Council may direct, but every Regulation so made shall be laid before the Senate during its next succeeding meeting.

(2) If any Regulation or repeal of a Regulation is not laid before the Senate as required by sub-section (1) the Regulation shall lapse or as the case may be, the Regulation repealed shall revive, after the next succeeding meeting of the Senate.

(3) Subject to the provisions of sub-sections (1) and (2) the procedure to be followed in making, amending or repealing Regulations shall be prescribed by the Statutes.

41. *Rules, bye-laws and orders.*—(1) The Syndicate shall have power to make rules, bye-laws and orders not inconsistent with the provisions of this Act, the Statutes, the Ordinances and the Regulations, for the guidance and working of Boards and Committees and other bodies constituted under the provisions of this

Act or the Statutes or the Ordinances or the Regulations and for regulating the procedure and conduct of business at meeting of any authority of the University other than the Senate.

(2) All such rules, bye-laws and orders shall have effect from such date as the Syndicate may direct; but every such rule, bye-law or order shall be submitted to the Senate during its next succeeding meeting.

(3) The Senate shall have power to cancel or modify any such rule, bye-law or order.

42. *Publication in the Gazette.*—All Statutes, Ordinances and Regulations made under this Act shall be published in the Gazette.

CHAPTER VI

ELECTION TO THE SENATE, THE SYNDICATE AND THE OTHER BODIES OF THE UNIVERSITY, FILLING UP OF VACANCIES AND RESIGNATION, REMOVAL ETC., OF MEMBERS OF AUTHORITIES AND BODIES

43. *Election of members to the Senate, Syndicate and other bodies of the University.*—The election of members to the Senate, the Syndicate and other bodies of the University shall be held in accordance with the system of proportional representation by means of the single transferable vote and in accordance with the procedure prescribed by the Statutes, and the voting at such election shall be by secret ballot.

44. *Filling up of vacancies.*—(1) All vacancies among the members (other than *ex officio* members) of any authority or body of the University by reason of death, resignation or otherwise shall be filled within a period not exceeding six months, by the person or authority who or which appointed, elected or nominated the member whose place has become vacant.

(2) Any person appointed, elected or nominated under sub-section (1) shall hold office as member so long only as the member in whose place he is appointed, elected or nominated, as the case may be, would have been entitled to hold office if the vacancy had not occurred.

45. *Resignation or removal of members of any authority or body.*—(1) Any member of any authority or body of the University may resign his office by letter addressed to the Registrar and the resignation shall take effect on the date of receipt of the letter by the Registrar.

(2) The Senate may, on the recommendation of not less than two thirds of the number of members of the Syndicate, remove the name of any person convicted by a court of law of any offence involving moral delinquency or punished by the University for malpractice connected with any University examination from the register of registered graduates or remove any such person from membership of any authority or body of the University and for the same reason may withdraw any degree or diploma conferred on or granted by the University.

(3) The Senate may also remove any person from the membership of any authority or body of the University if he becomes of unsound mind or a deaf-mute or has applied to be adjudicated or has been adjudicated an insolvent.

(4) If an elected member of any authority or body of the University fails to attend three consecutive meetings of that authority or body, he shall cease to be a member of such authority or body and thereupon the Registrar shall intimate him that he has ceased to be such member:

Provided that such authority or body may, if satisfied that there was sufficient cause for the failure of the member to attend the meetings, restore him to its membership.

CHAPTER VII

FINANCE

46. *University Fund.*—(1) All grants and loans received from the State Government, the Government of India, the University Grants Commission and from any other source, all revenues of the University, all fees received, all incomes such as rent and profits derived from properties and funds vested in the University, all endowments and donations received from any source whatsoever, all other miscellaneous receipts of the University and all deposits, remittances and service funds, received in connection with the affairs of the University shall form one consolidated fund styled "The

Gandhiji University Fund" and shall be employed for the purposes, and in the manner laid down in this Act and in the Statutes, Ordinances, rules, bye-laws and orders made thereunder:

Provided that separate accounts may be maintained for specific purposes.

(2) All moneys in the Gandhiji University Fund shall be lodged in the Government Treasury or with the approval of the Government in the State Bank of India or its subsidiaries upto such limits as may be fixed by the Government.

(3) The University may invest such part of the moneys in the Gandhiji University Fund, as it may deem fit, in Government securities or securities guaranteed by the Government of India.

(4) The custody of the Gandhiji University Fund, the payment of moneys therein, the withdrawal of moneys therefrom and all other ancillary matters shall be regulated by the Statutes, Ordinances, rules and bye-laws made in that behalf.

47. *Grants from Government.*—(1) The University shall receive as grants for its maintenance such sums, subject to such conditions as may be fixed by the Government, from time to time.

(2) The Government may pay to the University such other grants, subject to such conditions as they think fit, for specific purposes.

48. *Annual estimates of income and expenditure.*—(1) The Syndicate shall prepare the financial estimates of the income and expenditure of the University for the next ensuing year before such date as may be prescribed by the Statutes and forward the same together with a memorandum conveying explanatory notes thereon to the Senate for consideration.

(2) The Senate shall consider the financial estimates at its annual meeting and shall approve it, either without alterations or with such alterations as it may think fit.

49. *Funds earmarked for a purpose not to be diverted without prior approval of Government.*—The University shall not,—

(a) without the prior approval of the Government,—

(i) divert funds earmarked for a purpose for any other purpose; or

(ii) implement any scheme which involves any matching contribution from the State Government; or

(b) implement any scheme which imposes a recurring liability on the Government, after the assistance from the sponsoring authority ceases.

50. *Annual accounts.*—(1) The annual accounts of the University shall be prepared under the directions of the Syndicate and shall be submitted to the Government for audit.

(2) The annual accounts together with the audit report thereon shall be published by the Syndicate and copies of such accounts and audit report shall be placed before the Senate and submitted to the Government.

(3) The annual accounts shall be considered by the Senate at its annual meeting, and the Senate may pass resolutions with reference thereto and communicate the same to the Syndicate which shall take action in accordance therewith.

51. *Annual report.*—(1) The annual report of the University shall be prepared under the direction of the Syndicate and shall be presented to the Senate for its review on or before such date as may be prescribed by the Statutes.

(2) The Senate may pass resolutions on the annual report and communicate the resolutions to the Syndicate.

(3) The Syndicate shall inform the Senate of the action taken by it on the resolutions passed by the Senate under sub-section (2) and shall submit a copy of the annual report together with a copy of the resolutions, if any, of the Senate under sub-section (2) to the Government.

(4) The Government shall, as soon as the annual accounts and annual report are received, cause the same to be laid on the Table of the State Legislative Assembly.

52. *Audit of accounts of the University.*—(1) The Government shall appoint auditors of the accounts of the University and the institutions under the management of the University.

(2) The auditors shall maintain a continuous audit of the accounts of the University and may, after giving due intimation, conduct local audit of any institution under the management of the University.

(3) The University shall bear the cost of the audit as fixed by the Government.

(4) After completing the audit for a year or for any shorter period or for any transaction or series of transactions, the auditors shall send a report to the University and a duplicate copy thereof to the Government.

(5) The auditors shall specify in the report under sub-section (4) all cases of irregular, illegal or improper expenditure or of failure to recover moneys or other property due to the University or of any loss or waste of money or other property thereof caused by neglect or misconduct of the officers and authorities of the University.

(6) The auditors shall also report on any other matter relating to the accounts of the University as may be required by the Government.

(7) The University shall forthwith remedy any defect or irregularity pointed out by the Auditors and report the action taken to the Government.

(8) On consideration of a report of the auditors under this section the Government may, if they consider it necessary so to do, direct the University to comply with the provisions of sub-section (7) within such period as may be specified in the direction and the University shall comply with such direction.

CHAPTER VIII

PRIVATE COLLEGES AND AFFILIATION OF COLLEGES

53. *Definitions.*—In this Chapter—

(a) "corporate management" means an educational agency which manages more than one private college;

(b) "unitary management" means an educational agency which manages private college.

54. *Governing body for private college under unitary management.*—(1) A unitary management shall constitute in accordance with the provisions of the Statutes a governing body consisting of the following members, namely:—

(a) the manager of the private college;

(b) the principal of the private college;

(c) a person nominated by the University in accordance with the provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of the private college from among themselves;

(f) the Chairman of the College Union;

(g) a person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of the private college from among themselves; and

(h) not more than six persons nominated by the unitary management.

(2) The manager of the private college shall be the Chairman of the governing body.

(3) It shall be the duty of the governing body to advise the unitary management in all matters relating to the administration of the private college, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the governing body shall be taken at meetings on the basis of simple majority of the members present and voting.

55. *Managing council for private colleges under corporate management.*—(1) A corporate management shall constitute a managing council for all the private colleges under its management, consisting of the following members, namely:—

(a) the manager of the private colleges;

(b) one principal by rotation in such manner as may be prescribed by the Statutes;

(c) a person nominated by the University in accordance with provisions in that behalf contained in the Statutes;

(d) a person nominated by the Government;

(e) two persons elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent teachers of all the private colleges, from among themselves;

(f) a person elected by the Chairman of the College Unions of all the private colleges, from among themselves;

(g) one person elected in accordance with such procedure as may be prescribed by the Statutes, by the permanent members of the non-teaching staff of all the private colleges from among themselves; and

(h) not more than fifteen persons nominated by the corporate management.

(2) The manager of the private colleges shall be chairman of the managing council.

(3) It shall be the duty of the managing council to advise the corporate management in all matters relating to the administration of the private colleges, in accordance with the provisions of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

(4) The decisions of the managing council shall be taken at meetings on the basis of simple majority of the members present and voting.

56. *Manager.*—(1) A unitary management or corporate management shall appoint a manager for the private college or for all the private colleges, as the case may be, under its management within the University area.

(2) The appointment or removal of the manager shall be intimated to the University by the unitary management or the corporate management, as the case may be.

(3) It shall be the duty of the manager to give effect to the decisions of the unitary management or the corporate management, as the case may be.

(4) The manager shall exercise such powers and discharge such duties as may be delegated to him by the unitary management or the corporate management, as the case may be.

(5) The manager shall furnish to the Director of Collegiate Education audited accounts of the grants given by the Government to the private college or all the private colleges, as the case may be, of which he is the manager, within such time as may be specified by the Director of Collegiate Education in that behalf.

(6) Suits by or against a private college shall be instituted by or against the manager thereof.

(7) If the manager of a private college is guilty of mismanagement, malpractice, corruption or maladministration, gross negligence of duty or disobedience of instructions issued by the

Government or the University or is convicted for an offence involving moral turpitude, the Vice-Chancellor may, after giving the manager a reasonable opportunity to show cause against the action proposed to be taken against him and after due enquiry, declare him unfit to hold the office of manager and require the unitary management or the corporate management, as the case may be, to appoint a suitable person as manager.

(8) Failure on the part of the manager to furnish accounts to the Director of Collegiate Education as required by sub-section (5) within the specified date or within such further time as may be allowed by the Director of Collegiate Education shall be sufficient cause for taking steps for the withdrawal of the grant to the private college or private colleges, as the case may be.

(9) Failure on the part of the manager or the management to obey the instructions issued by the University or the Government in regard to matters relating to the administration of the private college or the continuance in office of a person declared unfit under sub-section (7) shall be deemed to be sufficient cause * * * for the withdrawal of the aid, grant or affiliation of the private college by the University or the Government, as the case may be.

57. *Acts or proceedings of governing body or managing council not to be invalidated.*—No act or proceeding of a governing body or managing council shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the governing body or managing council; or

(b) any defect in the appointment of a person acting as a member of the governing body or managing council; or

(c) any irregularity in the procedure of the governing body or managing council not affecting the merits of the case.

58. *Affiliation of colleges.*—(1) An application for affiliation to the University of any college or for affiliation in new courses in any affiliated college shall be sent by the educational agency to the Registrar within such time and in such manner as may be prescribed by the Statutes.

(2) The terms and conditions of affiliation of a college or of affiliation in new courses in an affiliated college and the procedure to be followed by the Syndicate in granting such affiliation, including the period within which the Syndicate shall consider an application under sub-section (1), shall be prescribed by the Statutes:

Provided that the Chancellor may, by notification in the Gazette, for reasons to be specified in the notification, extend the period within which the Syndicate shall consider any application under sub-section (1), whether such period has already expired or not, by such further period, not exceeding one year, as may be specified in such notification.

(3) Without prejudice to the generality of the provisions of sub-section (2), such Statutes may provide for the pattern of staff, scales of pay and terms and conditions of service of members of the staff and admission and selection of students for courses and examinations.

59. *Appointment of teachers in private colleges.*—(1) Appointments to the lowest grade of teacher in each department of a private college shall be made by the educational agency by direct recruitment on the basis of merit.

(2) Appointments of principals shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, or by direct recruitment.

(3) Where the appointment of principal is made by promotion, the educational agency shall make the appointment on the basis of seniority-cum-fitness.

(4) Appointments to the posts, other than those referred to in sub-sections (1) and (2), shall be made by the educational agency by promotion from among the teachers of the college or of all the colleges, as the case may be, on the basis of seniority-cum-fitness, or, if none among them is fit for promotion, by direct recruitment.

(5) For making appointment under this section by direct recruitment, the post shall be advertised in such manner as may be prescribed by the Statutes.

(6) Notwithstanding anything contained in sub-sections (1) and (4), a teacher discharged from a private college on or after the 14th day of March, 1974, due to abolition of a course of study in that college or for any other reason except disciplinary action against him shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area.

(7) The educational agency shall not abolish a course of study in a private college without the prior approval of the University.

(8) Every appointment under this section shall be made by a written order of the manager in such form as may be prescribed by the Statutes, communicated to the person to be appointed, with copy to the University.

(9) Every appointment under this section shall be reported to the University for approval.

(10) Any person aggrieved by any appointment under this section may appeal to the Appellate Tribunal.

60. *Qualifications of teachers.*—(1) Teachers of colleges shall possess such qualifications as may be prescribed by the Regulations.

(2) Notwithstanding anything contained in any law or in any judgement, decree or order of any court or other authority, any decision or order exempting any teacher from possessing the prescribed qualifications or approving the appointment of any teacher who did not possess the prescribed qualifications or allowing any teacher who did not possess the prescribed qualifications to continue in service, made by any authority or officer of the University of Kerala under the Kerala University Act, 1974 (17 of 1974), before the commencement of this Act shall be deemed to have been made by the authority competent to make such decision or order under this Act as if this Act had been in force at the time when such decision or order was made, and accordingly all such decisions and orders shall be, and shall be deemed always to have been, valid and in accordance with law.

61. *Probation.*—(1) Teachers of private colleges shall be on probation for a period of one year within a period of two years:

Provided that in exceptional cases, the period of probation may be extended by a period not exceeding one year, subject to the prior approval of the Syndicate.

Explanation.—Probation undergone by a teacher before the commencement of this Act shall be deemed to be probation for the purposes of this sub-section, provided such probation is within a period of two years immediately before such commencement.

(2) Notwithstanding anything contained in any contract or other document, any teacher working in a substantive vacancy at or after the commencement of this Act shall be deemed to be on probation for the purposes of sub-section (1).

(3) The educational agency may, at any time before the prescribed period of probation, terminate the probation of the

probationer for want of vacancy and discharge him from service if he was appointed by direct recruitment or revert him to his original appointment if the appointment to the new post was by transfer or promotion;

(4) Any probationer discharged or reverted under sub-section (3) shall be given preference in the matter of future appointments to the same post.

(5) On satisfactory completion of probation, the educational agency, shall confirm the teacher in the post and if the vacancy is not a substantive vacancy, the teacher shall be allowed to continue in the post for the duration of the vacancy.

(6) If, on the expiry of the prescribed period of probation, the educational agency decides that the teacher is not suitable for continuance in the post in which he is appointed, it shall discharge him from service or revert him to his original appointment, as the case may be, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(7) Where the post held by the probationer is substantively vacant and before the expiry of one month from the prescribed period of probation he is not confirmed under sub-section (5) or is not discharged or reverted under sub-section (6), he shall be deemed to have been confirmed in that post.

(8) A probationer who is discharged or reverted under sub-section (6) or who is discharged or reverted before the prescribed period of probation otherwise than on the ground of want of vacancy shall be entitled to appeal against the order of discharge or reversion to the Appellate Tribunal and the provisions of section 61 shall, *mutatis mutandis* apply to such appeals.

62. *Conditions of service of teachers of Private Colleges.*—(1) Notwithstanding anything contained in any law or in any contract or other document, the conditions of service of teachers of private colleges, whether appointed before or after the commencement of this Act including conditions relating to pay, pension, provident fund, gratuity, insurance and age of retirement, shall be such as may be prescribed by the Statutes.

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63. *Disciplinary powers of Educational Agency over teachers of Private Colleges.*—(1) The Educational Agency may at any time

place a teacher of a Private College under suspension when any disciplinary proceedings is proposed to be taken against him or when such disciplinary proceedings are pending.

(2) A teacher of a Private College who is detained in custody whether on a criminal charge or otherwise for a period exceeding 48 hours shall be deemed to have been suspended with effect from the date of detention by an order of the Educational Agency and shall remain under suspension until further orders.

(3) When a teacher of a private college is suspended for a period exceeding fifteen days, the matter together with the reasons for the suspension, shall be reported to the Vice-Chancellor.

(4) Any disciplinary proceedings against a teacher of a private college by the educational agency shall be completed within a period of three months or within such further period as may be allowed by the Vice-Chancellor.

(5) No disciplinary action shall be taken against a teacher without giving him a reasonable opportunity of showing cause against the action proposed to be taken against him.

(6) Any teacher aggrieved by an order imposing on him any of the following penalties, namely:—

(a) withholding of increment;

(b) recovery from pay of any pecuniary loss caused to the institution or the monetary value equivalent to the amount of increment ordered to be withheld;

(c) reduction to a lower rank in the seniority list or to a lower grade or post; and

(d) dismissal from service,

may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal on any one or more of the following grounds, namely:—

(i) that there is want of good faith in passing the order

(ii) that the order is intended to victimise the appellant;

(iii) that in passing the order, the educational agency has been guilty of a basic error or violation of the principles of natural justice;

(iv) that the order is not based on any material or is perverse:

Provided that the Appellate Tribunal may admit an appeal presented after the expiration of the said period of sixty days if it is satisfied that the appellant had sufficient cause for not presenting the appeal within that period.

(7) On receipt of an appeal under sub-section (6), the Appellate Tribunal may, after giving the parties an opportunity of being heard, and after such further inquiry as may be necessary pass such order thereon as it may deem fit, including an order of reinstatement of the teacher concerned.

(8) Any order passed by the Appellate Tribunal under sub-section (7) may be executed through the Subordinate Judges Court having jurisdiction over the area in which the private college is situate as if it were a decree passed by that court.

(9) Any person who objects to an order passed by the Appellate Tribunal under sub-section (7) may, within sixty days from the date on which a copy of such order is served on him, prefer a petition accompanied by court fee stamps of the value of ten rupees to the High Court on the ground that the Appellate Tribunal has either decided erroneously or failed to decide, any question of law.

(10) The provisions of section 5 of the Limitation Act, 1963 (Central Act 36 of 1963), shall be applicable to any proceedings under sub-section (9).

(11) The High Court shall, after giving the parties an opportunity of being heard, pass such order on the petition, as it deems fit.

(12) Where the High Court passes any order under sub-section (11), the Appellate Tribunal shall amend the order passed by it in conformity with the order of the High Court.

64. *Disciplinary powers of Government over teachers of Private Colleges.*—(1) Notwithstanding anything contained in this Act or in the Statutes, Ordinances or Regulations and subject to such rules as may be made by Government in this behalf, the Government or such officer not below the rank of Deputy Director of Collegiate Education, as may be authorised by the Government in this behalf, shall have power to take disciplinary proceedings against a teacher of a private college and to impose upon him all or any of the penalties specified by or under this Act:

Provided that before exercising the powers under this sub-section, the Government or the authorised Officer, as the case may be, shall intimate the manager regarding the circumstances requiring disciplinary action against the teacher concerned and give the manager a reasonable opportunity of taking disciplinary action, and the Government or the authorised Officer, as the case may be, shall take disciplinary action against the teacher only if the manager fails to take appropriate disciplinary action.

(2) The Government or the officer authorised under sub-section (1), as the case may be, may suspend a teacher of a private college when any disciplinary proceedings is proposed to be taken against him under that sub-section or when such disciplinary proceedings are pending.

65. *Past disputes relating to service conditions of teachers.*—Notwithstanding anything contained in any law for the time being in force, or in any contract or in any judgment, decree or order of any court or other authority any dispute between the management of a private college and any teacher of that college relating to the conditions of service of such teacher pending at the commencement of this Act shall be decided under and in accordance with the provisions of this Act and the Statutes made thereunder.

66. *Membership of Local Authorities, etc.*—A teacher of a private college shall not be disqualified for continuing as such teacher merely on the ground that he has been elected or nominated as a member of a local authority or of the Legislative Assembly of the State or of Parliament.

67. *Non-teaching staff of Private Colleges.*—(1) The provisions of this Chapter shall, so far as may be, apply to the non-teaching staff of the private colleges.

(2) Subject to the provisions of sub-section (1), the method of appointment, pay and other conditions of service of the non-teaching staff of private colleges shall be such as may be prescribed by the Statutes.

68. *Transfer of teachers to other Universities.*—(1) Where an educational agency has colleges under the jurisdiction of the Gandhiji University and also under the jurisdiction of the Kerala University or the Calicut University, the educational agency shall within three months of the commencement of this Act or within such further period, not exceeding three months, as may be granted by the Government for sufficient reason, prepare a seniority list of the teachers of all such colleges.

(2) After the preparation of the list under sub-section (1), the educational agency shall give a right of option to the teachers as to the University under the jurisdiction of which he opts to remain and the teachers shall be allotted to each University area in accordance with such option:

Provided that where the number of teachers who have opted to work under the jurisdiction of the Gandhiji University or the Kerala University or the Calicut University is more than the number required, allotment shall be made on the basis of seniority.

(3) Any teacher aggrieved by any entry in the list prepared under sub-section (1) or by the allotment under sub-section (2) may appeal to the Government within sixty days from the date of communication of the list or order of allotment to him, and the decision of the Government thereon shall be final.

(4) Where a teacher is allotted to a University area under this section he shall not be transferred to a college affiliated to any other University.

(5) Nothing contained in this section shall apply in respect of principals of private colleges.

69. *Constitution of Appellate Tribunal.*—(1) The Government shall constitute an Appellate Tribunal for the purposes of this Act.

(2) The Appellate Tribunal shall be a judicial officer not below the rank of a District Judge nominated by the Chancellor in consultation with the High Court.

(3) The term of office of the Appellate Tribunal shall be three years from the date of its nomination.

(4) The Appellate Tribunal shall have the power to make regulations consistent with the provisions of this Act with the previous sanction of the Government for regulating its procedure and disposal of its business.

(5) The regulations so made shall be published in the Gazette.

(6) The remuneration and other conditions of service of the Appellate Tribunal shall be such as may be prescribed by rules.

70. *Bar of Jurisdiction of civil courts.*—No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by any authority or person under this Act.

71. *Private colleges to comply with provisions of Chapter within six months.*—All private colleges existing in the University area immediately before the commencement of this Act and affiliated to the University shall, within a period of six months from such commencement, comply with the provisions of this Chapter.

72. *Colleges not complying with provisions of this Act.*—(1) If the Syndicate is satisfied that any private college has not complied with any provision contained in this Act or in the Statutes, Ordinances, Regulations, bye-laws, orders or rules, it may recommend to the Government for withholding or discontinuing aid or grant or it may disaffiliate the college from the University:

Provided that before disaffiliating a college, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

(2) If, on a recommendation under sub-section (1), the Government are satisfied that any private college has not complied with any of the provisions of this Act or of the Statutes, Ordinances, Regulations, bye-laws, orders or rules, they may, by order, direct that the college shall not be given any aid or grant from the Government:

Provided that before making any such order, the educational agency and the governing body or managing council, as the case may be, shall be given an opportunity of being heard.

73. *Code of Conduct for teachers of affiliated Colleges.*—(1) The Government shall, in consultation with the University and the representatives of the teachers, frame a Code of Conduct to be observed by the teachers of Government and private colleges.

(2) Any teacher of a Government or private college who contravenes any of the provisions of the Code of Conduct shall be liable for disciplinary action which may involve the imposition of a major penalty.

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74. *Power of Government to cause inspection of University.*—(1) The Government shall have the right to cause an inspection to be made by such person or persons as they may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments and of any institution maintained, recognised or approved

by, or affiliated to, the University, and also of the work conducted by the University, and to cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall, before taking any action under sub-section (1), give notice to the University of their intention to cause such inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(3) The Government shall communicate to the Syndicate the result of any inspection or inquiry made under sub-section (1) and may, after ascertaining the opinion of the Syndicate thereon, convey their views to the Senate and to the Syndicate.

(4) The Government may, after considering the views of the Senate and the Syndicate on the result of any inspection or inquiry under sub-section (1), advise the University upon the action to be taken in the matter.

(5) The Syndicate shall report to the Government the action, if any, which is proposed to be taken, or has been taken, upon the result of any inspection or inquiry under sub-section (1).

(6) A report under sub-section (5) shall be submitted with the opinion of the Senate thereon and within such time as the Government may direct.

(7) Where the Senate or the Syndicate does not, within a reasonable time, take any action referred to in sub-section (4) to the satisfaction of the Government, the Government may, after considering any explanation furnished, or representation made, by the Senate or the Syndicate in the matter, issue such directions as they may think fit, and the Senate and the Syndicate shall comply with such directions within such time as may be specified in the directions.

(8) The power of the Government to cause inspection under this section shall be in addition to and not in derogation of the power of the Government for inspection by or under any other provision of this Act, Statutes or Ordinances.

75. *Appointment of Commission to inquire into the working of University.*—(1) The Government may at any time and shall, at the expiration of ten years from the commencement of this Act and thereafter at the expiration of every ten years, by order published in the Gazette, constitute a Commission which shall consist of a Chairman and such other members not exceeding five as the Government may appoint, and such order shall define the procedure to be followed by the Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on—

(i) the working of the University during the period to which the inquiry relates:

(ii) the financial position of the University including the financial position of its colleges and departments;

(iii) any change to be made in the provisions of this Act or the Statutes, Ordinances, rules and bye-laws made thereunder with a view to bringing about improvements in the affairs of the University; and

(iv) such other matters as may be referred to it by the Government, and make such recommendations to the Government as it thinks fit.

(3) On receipt of the report and the recommendations of the Commission under sub-section (2), the Government shall forthwith refer such report and recommendations to the Senate for consideration and report.

(4) Immediately after the Senate has considered the report and recommendations of the Commission and submitted its report to the Government, the Government shall consider the report of the Senate and pass such orders thereon as they think fit and shall also cause the same to be published in the Gazette.

(5) The Senate shall be responsible for carrying into effect any orders passed by the Government under sub-section (4) within six months.

76. *Directions by Government.*—(1) The Government may after consultation with the Senate, give to the Senate directions of a general nature on matters which are not academic.

(2) In the exercise of its powers and performance of its functions under this Act, the Senate shall not depart from any direction given by the Government under sub-section (1). except with the previous permission of the Government.

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77. *Power of Government to make rules.*—(1) The Government may, by notification in the Gazette, make rules not inconsistent with the provisions of this Act for the purpose of exercising the powers and discharging the duties conferred or imposed on the Government by this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

78. *Reservation of appointments.*—In making appointments by direct recruitment to posts in any class or category ** ** under the University or to posts of non-teaching staff in the University, the University shall *mutatis mutandis* observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15, 16, 17 and 17A of the Kerala State and Subordinate Service Rules, 1958, as amended from time to time.

79. *Constitution of Selection Committees.*—(1) The Chancellor shall, in consultation with the Syndicate, constitute from time to time separate selection committees for the purpose of selection of candidates for direct recruitment to the posts of—

(i) Professors.

(ii) Readers, Lecturers and other posts not being posts of non-teaching staff.

(iii) Non-teaching staff.

(2) The selection Committees shall consist of—

(a) in the case of the Selection Committee for selection of Professors,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, ** ** ** nominated by the Chancellor,

(iii) two subject experts to be nominated by the Chancellor,

(b) in the case of the Selection Committee for recruitment of Readers, Lecturers and other teaching staff,—

(i) the Vice-Chancellor,

(ii) a member of the Syndicate, nominated by the Chancellor, ** ** **

(iii) head of the Department,

(iv) one expert to be nominated by the Chancellor.

(c) in the case of the Selection Committee for recruitment of non-teaching staff,—

(i) Vice-Chancellor.

(ii) A member of the Syndicate nominated by the Chancellor.

(iii) Registrar.

(3) No person shall be directly recruited to the teaching or non-teaching staff of the University except on the recommendation of the concerned Selection Committee constituted under sub-section (1).

(4) The quorum for a meeting of a Selection Committee shall be three.

(5) The procedure to be followed by each Selection Committee for selection of candidates shall be prescribed by the Statutes.

(6) Where the oral test (interview) is proposed to be conducted by the Selection Committee, the Committee shall invite the Head of the Department concerned to be present or to appoint a representative to be present and the Head of Department or his representative so present may take part in the deliberations of the Selection Committee but shall not be entitled to award marks:

Provided that the Selection Committee shall invite, where they consider it necessary, any person or persons with expert knowledge in particular subjects to be present at the interview to assist the Selection Committee but such person or persons shall not be entitled to award marks.

(7) It shall be the duty of the Heads of Departments or their representatives and persons with expert knowledge who are invited to be present at the interview, to be present at the appointed time and co-operate with the Selection Committee in the conduct of the selection.

(8) Any person referred to in sub-section (7) being an employee of the Government or a University in the State who violates the provisions of that sub-section or misbehaves or acts in any manner so as to affect the fair conduct of a selection, shall be deemed to be guilty of misconduct and shall be liable for disciplinary action.

(9) The ranked lists prepared by the Selection Committees shall be published in the notice board of the University and also in the Gazette.

(10) A rank list published under sub-section (9) shall remain in force for a period of two years from the date of such publication and all vacancies arising during the period shall be filled up from the list so published.

(11) Communal rotation shall be followed category-wise treating all the departments as one unit.

(12) The Registrar shall maintain a register containing the list of appointments made indicating the vacancies filled up by open competition and by reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies remaining to be filled up for want of qualified hands from Scheduled Castes, Scheduled Tribes and Other Backward Classes and vacancies carried forward for want of qualified hands under reservation quota for being filled up in future vacancies and such other details as may be specified in the Statutes.

(13) Where the Syndicate proposes to make an appointment otherwise than in accordance with the order of merit arranged by the Selection Committee, it shall record its reasons therefor in writing and submit them to the Chancellor who may approve the proposal or return it to the Syndicate for reconsideration.

(14) After reconsideration in pursuance of sub-section (13), if the Syndicate desires to pursue its original proposal, it shall refer the matter again to the Chancellor for his decision and the decision of the Chancellor thereon shall be final.

(15) The Chancellor shall have the power to give directions to the Vice-Chancellor to cancel appointments made not in accordance with the provisions of this section:

Provided that before giving a direction under this sub-section the Chancellor shall give to the person so appointed a reasonable opportunity to show cause why such direction should not be given and shall consider his explanations and objections, if any.

(16) If at any time it is disclosed that a person has secured appointment to any post under the University by making any false statement before the Selection Committee or in any application submitted by him or by producing any false documents, his appointment shall, without prejudice to any other action that may be taken against him, be cancelled by the Vice-Chancellor:

Provided that before cancelling an appointment under this subsection, the Vice-Chancellor shall give to the person so appointed, a reasonable opportunity to show cause why the appointment should not be cancelled and shall consider his explanations and objections if any.

80. *Conditions of Service.*—(1) Save as otherwise provided by or under this Act every salaried officer and teacher of the University shall be appointed by a written order.

(2) The written order referred to in sub-section (1) shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) Any dispute between any officer or teacher of the University and the University shall, on the request of the University or the officer or teacher concerned be referred to the Appellate Tribunal for decision, and thereupon, the provisions of sub-sections (7), (8), (9), (10), (11) and (12) of section 63 and the regulations made by the Tribunal under section 69 shall *mutatis mutandis* apply to the decision of such dispute.

81. *Pension, Insurance and Provident Fund.*—With the previous approval of the Government, the University shall make appropriate provisions for the benefit of its officers, teachers and other servants under its control in matters of insurance, pension and provident fund and for such other benefits as it may deem fit in such manner as may be prescribed by the Ordinances.

82. *Proceedings of the University and bodies not to be invalidated by vacancies.*—No act or proceeding of the Senate, the Syndicate, the Academic Council or other body constituted under this Act or the Statutes or the Ordinances shall be deemed to be invalid merely by reason of any vacancy in the body doing or passing it, at the time any such act or proceeding is done or passed.

83. *Proceedings of the Senate, Syndicate and Academic Council.*—The Registrar shall forward to the Government within one month of the date of any meeting of the Senate or the Syndicate or the Academic Council copies of the proceedings of such meetings.

84. *Dispute as to constitution of University Authority or body.*—If any question arises regarding the interpretation of any provision of this Act or of any Statute, Ordinance, Regulation, rule, bye-law or order or as to whether a person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter may be referred to the Chancellor and shall be so referred to him if not less than twenty-five members of the Senate so require, and the Chancellor shall, after taking such advice as he deems necessary, decide the question and such decision shall be final.

85. *Report on affiliated colleges.*—The Vice-Chancellor shall, at the end of every three years from the commencement of this Act submit a report to the Government on the conditions of affiliated colleges.

86. *Protection of acts and orders.*—All acts and orders duly and in good faith done or passed by the University or any of its authorities, bodies or officers shall be final; and no suit shall be instituted against, or damage claimed from, the University or its authorities, bodies or officers for anything done or purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations, rules, bye-laws and orders made thereunder.

87. *Institutions affiliated to University.*—(1) All colleges existing in the University area immediately before the commencement of this Act shall stand affiliated to the University.

(2) The Government may, at any time, transfer to the University any institution subject to such terms and conditions as may be agreed upon between the Government and the University as regards its future maintenance and control.

88. *Duty of teachers, etc., in connection with University examinations.*—(1) It shall be the duty of a teacher or a member of the non-teaching staff of an affiliated college or an officer, teacher or other employee of the University to do any work in connection with an examination conducted by the University which he is required by the competent officer or authority of the University to do.

(2) If any teacher or member of the non-teaching staff of an affiliated college or any officer, teacher or other employee of the University refuses, without sufficient cause to the satisfaction of,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, an officer not below the rank of Deputy Director of Collegiate Education authorised by the Government in this behalf; and

(b) in the case of an officer, teacher or other employee of the University, the Vice-Chancellor,

to do any work in connection with an examination conducted by the University when required to do so by the competent Officer or authority of the University, he shall, without prejudice to any other action that may be taken against him, forfeit his pay and allowances for a period of two months commencing on the date of commencement of the examination.

Explanation.—Failure to comply with the requisition of the competent officer or authority of the University shall be deemed to be refusal for the purposes of this sub-section.

(3) An order of forfeiture under sub-section (2) shall be made,—

(a) in the case of a teacher or a member of the non-teaching staff of an affiliated college, by the officer authorised under clause (a) of the said sub-section; and

(b) in the case of an officer, teacher or other employee of the University, by the Vice-Chancellor.

(4) No order of forfeiture shall be made under sub-section (3) without giving the person who may be affected thereby an opportunity of being heard.

(5) Any person aggrieved by an order referred to in sub-section (4) may, within sixty days from the date on which a copy of such order is served on him, appeal to the Appellate Tribunal, and the Appellate Tribunal may, after giving the parties an opportunity of being heard and after such further inquiry as may be necessary, pass such order thereon as it deems fit.

89. *Punishment for irregularities by teachers at examinations.*—Any teacher of an affiliated college or a teacher of the University who—

(a) connives with, or assists, any candidate at an examination conducted by the University to do any malpractice at such examination; or

(b) delays the valuation and return of answer books of candidates at any such examination which have been given to him for valuation;

shall without prejudice to any other action that may be taken against him be liable for disciplinary action. ** ** **

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90. *Registered Graduates.*—All graduates of the University contituted under this Act and all graduates of any other University residing in the University area shall be entitled to be registered under the provisions of this Act as graduates of the University constituted under this Act:

Provided that all registered graduates of the Kerala University constituted under the Kerala University Act, 1974, who are employed, or are residing, within the territorial jurisdiction of the Gandhiji University constituted under this Act shall be deemed to be registered graduates of the Gandhiji University constituted under this Act.

91. *Appointment of first Vice-Chancellor.*—Notwithstanding anything to the contrary contained in section 10, the Chancellor shall appoint such person as he thinks fit to be the first Vice-Chancellor of the University for a period not exceeding three years.

92. *Appointment of Registrar, Controller of Examinations and Finance Officer during initial period of two years.*—Notwithstanding anything contained in Sections 12, 13 and 14 for a period of two years from the commencement of this Act the Registrar, the Controller of Examinations and the Finance Officer shall be appointed by the Chancellor for the said period, on a salary to be fixed by him and on such other conditions as he thinks fit:

Provided that the power under this section shall not be exercised by the Chancellor after the nomination of the Syndicate under section 94.

93. *Appointment of the first University Staff.*—Notwithstanding anything contained in this Act, the Chancellor shall have power to appoint such officers and servants of the University as may be necessary for ensuring the working of the University.

94. *Nomination of first University authorities.*—Notwithstanding anything contained in this Act the first of all authorities of the University shall be nominated by the Chancellor for a period of two years from the date of nomination or till the constitution of those authorities in accordance with the provisions of this Act, whichever is earlier.

95. *Colleges and other institutions within the jurisdiction of the University.*—(1) All colleges and other educational institutions within the areas to which the jurisdiction of the University extends, which immediately before the commencement of this Act were recognised by, or were affiliated to, the University of Kerala as institutions providing courses of study for admission to examinations

of that University for degrees, diplomas and other academic distinctions shall be deemed to be institutions recognised by, or affiliated to, the Gandhiji University under this Act and the provisions of this Act shall apply accordingly.

(2) Any student of any college within the area referred to in sub-section (1) and affiliated to the University of Kerala immediately before the commencement of this Act shall be permitted to complete his course under the University of Kerala, and the Gandhiji University shall provide for the instruction of such students in accordance with the course of study in the University of Kerala and shall comply with such directions as may be given to it by the University of Kerala in respect of those students.

96. *Transfer of service of certain employees from the University of Kerala to the Gandhiji University.*—(1) Any person in the employment of the University of Kerala may subject to such conditions and restrictions as may be specified by the Government in this behalf, opt to serve in connection with the affairs of the Gandhiji University.

(2) As soon as may be after the date of the commencement of this Act the Government may, after consulting the Vice-Chancellors of the University of Kerala and the Gandhiji University direct, by general or special order, that such of the employees of the University of Kerala as are specified in such order shall stand allotted to serve in connection with the affairs of the Gandhiji University with effect from such date as may be specified in such order.

(3) In making an order under sub-section (2), the persons who have opted under sub-section (1) to serve in connection with the affairs of the Gandhiji University shall be given preference.

(4) With effect from the date specified in an order under sub-section (2) the persons specified in such order and allotted to serve in connection with the Gandhiji University shall become employees of the Gandhiji University and shall cease to be employees of the University of Kerala.

(5) Every person who becomes an employee of the Gandhiji University under sub-section (4) shall, hold office under that University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity, if any, and other matters as he would have held the same on the date specified in the order under sub-section (2), as if this Act had not been passed.

(6) The liability to pay pension and gratuity to the persons referred to in sub-section (2) shall be the liability of the Gandhiji University.

97. *Transfer of accumulation in provident fund and other like funds.*—(1) The sums to the credit of the provident fund accounts of the persons referred to in sub-section (2) of section 96 as on the date specified in the order under that sub-section shall be transferred to the Gandhiji University, and the liability in respect of the said provident fund accounts shall be the liability of the Gandhiji University.

(2) There shall be paid to the Gandhiji University out of the accumulation in the superannuation fund and other like funds, if any, of the University of Kerala such amounts as have been credited to the superannuation fund and other like funds, if any, on behalf of the persons referred to in sub-section (2) of section 96.

(3) The amounts paid under sub-section (2) shall form part of the superannuation fund or other like funds, if any, that may be established by the Gandhiji University for the benefit of its employees.

98. *Apportionment of funds and assets of the University of Kerala.*—A Committee consisting of the Vice-Chancellor of the University of Kerala, the Vice-Chancellor of the Gandhiji University and the Secretary to the Government of Kerala, Finance Department, shall examine the question of transfer of funds and assets, other than those referred to in sub-section (3) of section 99 from the University of Kerala to the Gandhiji University and shall recommend to the Government the action to be taken in the matter, and the decision of the Government on such recommendation shall be final.

99. *Act 17 of 1974 not to apply.*—(1) Subject to the provisions of this section, the Kerala University Act, 1974 (17 of 1974), shall, with effect from the date of the commencement of this Act cease to apply in respect of the areas to which the jurisdiction of the Gandhiji University extends.

(2) Notwithstanding anything contained in sub-section (1), all Statutes and Ordinances made under the Kerala University Act, 1974 (17 of 1974) and in force on the date of the commencement of this Act shall, in so far as they are not inconsistent with the provisions of this Act continue to be in force in respect of the areas referred to in sub-section (1) until they are replaced by the Statutes and Ordinances to be made under this Act.

(3) All property, whether movable or immovable, including lands, buildings, equipments, books and library and all rights of whatever kind owned by or vested in or held in trust immediately before the date of the commencement of this Act by the University of Kerala at the University Study Centres at Palai, Kottayam and Changanacherry as well as all liabilities legally subsisting against the University of Kerala at these centres shall stand transferred to and vest in the Gandhiji University.

(4) Nothing in this section shall be held to prejudice or affect the application of sections 4 and 23 of the Interpretation and General Clauses Act, 1125 (VII of 1125).

100. *First Statutes and Ordinances (1).*—Notwithstanding anything contained in this Act the first Statutes and the first Ordinances of the University shall be made by the Government.

(2) Every first Statute and every first Ordinance made under this section shall be laid as soon as it is made before the Legislative Assembly while it is in Session for a total period of Fourteen days which may be comprised in one Session or in two successive Sessions, and if before the expiry of the Session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the first Statute or the first Ordinance, as the case may be or decides that the first statute or as the case may be, the first Ordinance should not be made, the first statute or the first Ordinance as the case may be shall thereupon have effect only in such modified form or be of no effect, as the case may be; so however that no such modification or annulment shall be without prejudice to the validity of anything previously done under the first Statute or the Ordinance.

101. *Removal of difficulties.*—(1) If any difficulty arises as to the first constitution or reconstitution of any auhority of the University or otherwise in giving effect to the provisions of this Act the Government may by order do anything not inconsistent with the provisions of this Act which appears to them necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall be laid, as soon as may be after it is issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Legislative Assembly makes any modification in the order or decides that the order should not be issued, the order shall thereafter have effect only in such modified form or

be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

102. *Repeal and saving.*—(1) The Gandhiji University Ordinance, 1984 (92 of 1984), is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under that said Ordinance shall be deemed to have been done or taken under this Act.

Secretariat of the Kerala
Legislature, Trivandrum,
April 1, 1985.

K. P. PADMANABHAN,
Secretary.